

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 210
97TH GENERAL ASSEMBLY

0415H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 32.057, 105.478, 115.631, 130.028, 130.031, 142.909, 142.911, 143.1001, 143.1003, 149.200, 160.261, 167.115, 167.171, 168.071, 188.023, 188.030, 190.621, 191.905, 191.914, 193.315, 194.410, 194.425, 195.005, 195.010, 195.015, 195.016, 195.017, 195.025, 195.030, 195.040, 195.050, 195.060, 195.080, 195.100, 195.110, 195.130, 195.135, 195.140, 195.150, 195.180, 195.190, 195.195, 195.198, 195.202, 195.204, 195.211, 195.212, 195.213, 195.214, 195.217, 195.218, 195.219, 195.222, 195.223, 195.226, 195.233, 195.235, 195.241, 195.242, 195.246, 195.248, 195.252, 195.254, 195.256, 195.275, 195.280, 195.285, 195.291, 195.292, 195.295, 195.296, 195.367, 195.369, 195.371, 195.375, 195.417, 195.418, 195.420, 195.501, 195.503, 195.505, 195.507, 195.509, 195.511, 195.515, 196.979, 197.266, 197.326, 198.015, 198.070, 198.097, 198.158, 205.965, 210.117, 210.165, 211.038, 211.071, 211.447, 214.410, 217.010, 217.360, 217.385, 217.400, 217.405, 217.542, 217.543, 217.692, 217.703, 221.025, 221.111, 221.353, 252.235, 253.080, 260.207, 260.208, 260.211, 260.212, 260.379, 270.260, 276.421, 276.536, 277.180, 285.306, 285.308, 287.128, 287.129, 288.250, 288.395, 301.390, 301.400, 301.401, 301.559, 301.640, 302.015, 302.020, 302.181, 302.304, 302.321, 302.500, 302.540, 302.541, 302.605, 302.705, 302.710, 302.727, 302.745, 302.750, 302.755, 302.780, 303.024, 303.025, 304.070, 306.110, 306.111, 306.112, 306.114, 306.116, 306.117, 306.118, 306.119, 306.141, 306.420, 311.325, 313.004, 313.040, 313.290, 313.550, 313.660, 313.830, 317.018, 320.089, 320.161, 324.1142, 324.1148, 334.250, 335.096, 338.195, 338.315, 338.370, 339.100, 354.320, 362.170, 367.031, 367.045, 374.210, 374.216, 374.702, 374.757, 374.789, 375.310, 375.537, 375.720, 375.786, 375.991, 375.1176, 375.1287, 375.1312, 380.391, 382.275, 389.653, 407.020, 407.095, 407.420, 407.436, 407.521, 407.536, 407.544, 407.740, 407.1082, 407.1252, 411.260, 411.287, 411.371, 411.517, 411.770, 413.229, 429.012, 429.013, 429.014, 436.485, 443.810, 443.819, 453.110, 455.085,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

455.538, 542.402, 544.665, 556.011, 556.016, 556.021, 556.022, 556.026, 556.036, 556.037, 556.041, 556.046, 556.051, 556.056, 556.061, 556.063, 557.016, 557.021, 557.026, 557.031, 557.035, 557.036, 557.041, 557.046, 558.011, 558.016, 558.018, 558.019, 558.026, 558.031, 558.041, 558.046, 559.012, 559.021, 559.036, 559.100, 559.105, 559.106, 559.107, 559.110, 559.115, 559.117, 559.120, 559.125, 559.600, 559.604, 559.633, 560.011, 560.016, 560.021, 560.026, 560.031, 560.036, 561.016, 561.021, 561.026, 562.011, 562.016, 562.031, 562.036, 562.041, 562.051, 562.056, 562.061, 562.066, 562.071, 562.076, 562.086, 563.021, 563.026, 563.033, 563.046, 563.051, 563.056, 563.061, 563.070, 564.011, 564.016, 565.002, 565.004, 565.020, 565.021, 565.023, 565.024, 565.025, 565.030, 565.032, 565.035, 565.040, 565.050, 565.060, 565.063, 565.065, 565.070, 565.072, 565.073, 565.074, 565.075, 565.080, 565.081, 565.082, 565.083, 565.084, 565.085, 565.086, 565.090, 565.092, 565.095, 565.100, 565.110, 565.115, 565.120, 565.130, 565.140, 565.149, 565.150, 565.153, 565.156, 565.160, 565.163, 565.165, 565.169, 565.180, 565.182, 565.184, 565.186, 565.188, 565.190, 565.200, 565.210, 565.212, 565.214, 565.216, 565.218, 565.220, 565.225, 565.250, 565.252, 565.253, 565.255, 565.300, 565.350, 566.010, 566.013, 566.020, 566.023, 566.025, 566.030, 566.032, 566.034, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.086, 566.090, 566.093, 566.095, 566.100, 566.111, 566.135, 566.140, 566.141, 566.145, 566.147, 566.148, 566.149, 566.150, 566.151, 566.153, 566.155, 566.203, 566.206, 566.209, 566.212, 566.213, 566.215, 566.218, 566.221, 566.224, 566.226, 566.265, 567.010, 567.020, 567.030, 567.040, 567.050, 567.060, 567.070, 567.080, 567.085, 567.087, 567.110, 567.120, 568.010, 568.020, 568.030, 568.032, 568.040, 568.045, 568.050, 568.052, 568.060, 568.065, 568.070, 568.080, 568.090, 568.100, 568.110, 568.120, 568.175, 569.010, 569.020, 569.025, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.070, 569.072, 569.080, 569.090, 569.094, 569.095, 569.097, 569.099, 569.100, 569.120, 569.130, 569.140, 569.145, 569.150, 569.155, 569.160, 569.170, 569.180, 570.010, 570.020, 570.030, 570.033, 570.040, 570.050, 570.055, 570.070, 570.080, 570.085, 570.087, 570.090, 570.100, 570.103, 570.110, 570.120, 570.123, 570.125, 570.130, 570.135, 570.140, 570.145, 570.150, 570.155, 570.160, 570.170, 570.180, 570.190, 570.200, 570.210, 570.215, 570.217, 570.219, 570.220, 570.222, 570.223, 570.224, 570.225, 570.226, 570.230, 570.235, 570.240, 570.241, 570.245, 570.255, 570.300, 570.310, 570.380, 571.010, 571.014, 571.015, 571.017, 571.020, 571.030, 571.045, 571.050, 571.060, 571.063, 571.070, 571.072, 571.080, 571.085, 571.087, 571.093, 571.095, 571.101, 571.102, 571.104, 571.107, 571.111, 571.114, 571.117, 571.121, 571.150, 572.010, 572.020, 572.030, 572.040, 572.050, 572.060,

572.070, 572.110, 572.120, 573.010, 573.013, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.050, 573.052, 573.060, 573.065, 573.090, 573.100, 573.500, 573.509, 573.528, 573.531, 574.010, 574.020, 574.030, 574.040, 574.050, 574.060, 574.070, 574.075, 574.085, 574.105, 574.115, 575.020, 575.021, 575.030, 575.040, 575.050, 575.060, 575.070, 575.080, 575.090, 575.100, 575.110, 575.120, 575.130, 575.145, 575.150, 575.153, 575.159, 575.160, 575.170, 575.180, 575.190, 575.195, 575.200, 575.205, 575.206, 575.210, 575.220, 575.230, 575.240, 575.250, 575.260, 575.270, 575.280, 575.290, 575.300, 575.310, 575.320, 575.350, 575.353, 576.010, 576.020, 576.030, 576.040, 576.050, 576.060, 576.070, 576.080, 577.001, 577.005, 577.006, 577.010, 577.012, 577.017, 577.020, 577.021, 577.023, 577.026, 577.029, 577.031, 577.037, 577.039, 577.041, 577.049, 577.051, 577.052, 577.054, 577.060, 577.065, 577.068, 577.070, 577.071, 577.073, 577.075, 577.076, 577.080, 577.090, 577.100, 577.105, 577.110, 577.150, 577.155, 577.160, 577.161, 577.201, 577.203, 577.206, 577.208, 577.211, 577.214, 577.217, 577.221, 577.500, 577.505, 577.510, 577.515, 577.520, 577.525, 577.530, 577.600, 577.602, 577.604, 577.606, 577.608, 577.610, 577.612, 577.614, 577.625, 577.628, 577.675, 577.680, 578.008, 578.009, 578.012, 578.018, 578.021, 578.023, 578.024, 578.025, 578.027, 578.028, 578.029, 578.030, 578.075, 578.095, 578.100, 578.105, 578.106, 578.110, 578.120, 578.150, 578.151, 578.152, 578.153, 578.154, 578.173, 578.176, 578.200, 578.205, 578.210, 578.215, 578.220, 578.225, 578.250, 578.255, 578.260, 578.265, 578.300, 578.305, 578.310, 578.315, 578.320, 578.325, 578.330, 578.350, 578.353, 578.360, 578.363, 578.365, 578.375, 578.377, 578.379, 578.381, 578.383, 578.385, 578.387, 578.389, 578.390, 578.405, 578.407, 578.409, 578.412, 578.414, 578.416, 578.418, 578.420, 578.421, 578.425, 578.430, 578.433, 578.437, 578.445, 578.450, 578.500, 578.503, 578.510, 578.520, 578.525, 578.530, 578.570, 578.614, 589.015, 589.425, 590.700, 610.125, 630.155, 630.165, 632.480, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, and 701.320, RSMo, and section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402 merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, and section 476.055 as enacted by senate committee substitute for house bill no. 1460 merged with conference

committee substitute for house committee substitute for senate bill no. 628, ninety-sixth general assembly, second regular session, and section 476.055 as enacted by conference committee substitute for house committee substitute for senate bill no. 636, ninety-sixth general assembly, second regular session, and to enact in lieu thereof seven hundred twenty-eight new sections for the sole purpose of restructuring the Missouri criminal code, with penalty provisions and an effective date for a certain section.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 32.057, 105.478, 115.631, 130.028, 130.031, 142.909, 142.911,
 2 143.1001, 143.1003, 149.200, 160.261, 167.115, 167.171, 168.071, 188.023, 188.030, 190.621,
 3 191.905, 191.914, 193.315, 194.410, 194.425, 195.005, 195.010, 195.015, 195.016, 195.017,
 4 195.025, 195.030, 195.040, 195.050, 195.060, 195.080, 195.100, 195.110, 195.130, 195.135,
 5 195.140, 195.150, 195.180, 195.190, 195.195, 195.198, 195.202, 195.204, 195.211, 195.212,
 6 195.213, 195.214, 195.217, 195.218, 195.219, 195.222, 195.223, 195.226, 195.233, 195.235,
 7 195.241, 195.242, 195.246, 195.248, 195.252, 195.254, 195.256, 195.275, 195.280, 195.285,
 8 195.291, 195.292, 195.295, 195.296, 195.367, 195.369, 195.371, 195.375, 195.417, 195.418,
 9 195.420, 195.501, 195.503, 195.505, 195.507, 195.509, 195.511, 195.515, 196.979, 197.266,
 10 197.326, 198.015, 198.070, 198.097, 198.158, 205.965, 210.117, 210.165, 211.038, 211.071,
 11 211.447, 214.410, 217.010, 217.360, 217.385, 217.400, 217.405, 217.542, 217.543, 217.692,
 12 217.703, 221.025, 221.111, 221.353, 252.235, 253.080, 260.207, 260.208, 260.211, 260.212,
 13 260.379, 270.260, 276.421, 276.536, 277.180, 285.306, 285.308, 287.128, 287.129, 288.250,
 14 288.395, 301.390, 301.400, 301.401, 301.559, 301.640, 302.015, 302.020, 302.181, 302.304,
 15 302.321, 302.500, 302.540, 302.541, 302.605, 302.705, 302.710, 302.727, 302.745, 302.750,
 16 302.755, 302.780, 303.024, 303.025, 304.070, 306.110, 306.111, 306.112, 306.114, 306.116,
 17 306.117, 306.118, 306.119, 306.141, 306.420, 311.325, 313.004, 313.040, 313.290, 313.550,
 18 313.660, 313.830, 317.018, 320.089, 320.161, 324.1142, 324.1148, 334.250, 335.096, 338.195,
 19 338.315, 338.370, 339.100, 354.320, 362.170, 367.031, 367.045, 374.210, 374.216, 374.702,
 20 374.757, 374.789, 375.310, 375.537, 375.720, 375.786, 375.991, 375.1176, 375.1287, 375.1312,
 21 380.391, 382.275, 389.653, 407.020, 407.095, 407.420, 407.436, 407.521, 407.536, 407.544,
 22 407.740, 407.1082, 407.1252, 411.260, 411.287, 411.371, 411.517, 411.770, 413.229, 429.012,
 23 429.013, 429.014, 436.485, 443.810, 443.819, 453.110, 455.085, 455.538, 542.402, 544.665,
 24 556.011, 556.016, 556.021, 556.022, 556.026, 556.036, 556.037, 556.041, 556.046, 556.051,
 25 556.056, 556.061, 556.063, 557.016, 557.021, 557.026, 557.031, 557.035, 557.036, 557.041,
 26 557.046, 558.011, 558.016, 558.018, 558.019, 558.026, 558.031, 558.041, 558.046, 559.012,
 27 559.021, 559.036, 559.100, 559.105, 559.106, 559.107, 559.110, 559.115, 559.117, 559.120,

28 559.125, 559.600, 559.604, 559.633, 560.011, 560.016, 560.021, 560.026, 560.031, 560.036,
29 561.016, 561.021, 561.026, 562.011, 562.016, 562.031, 562.036, 562.041, 562.051, 562.056,
30 562.061, 562.066, 562.071, 562.076, 562.086, 563.021, 563.026, 563.033, 563.046, 563.051,
31 563.056, 563.061, 563.070, 564.011, 564.016, 565.002, 565.004, 565.020, 565.021, 565.023,
32 565.024, 565.025, 565.030, 565.032, 565.035, 565.040, 565.050, 565.060, 565.063, 565.065,
33 565.070, 565.072, 565.073, 565.074, 565.075, 565.080, 565.081, 565.082, 565.083, 565.084,
34 565.085, 565.086, 565.090, 565.092, 565.095, 565.100, 565.110, 565.115, 565.120, 565.130,
35 565.140, 565.149, 565.150, 565.153, 565.156, 565.160, 565.163, 565.165, 565.169, 565.180,
36 565.182, 565.184, 565.186, 565.188, 565.190, 565.200, 565.210, 565.212, 565.214, 565.216,
37 565.218, 565.220, 565.225, 565.250, 565.252, 565.253, 565.255, 565.300, 565.350, 566.010,
38 566.013, 566.020, 566.023, 566.025, 566.030, 566.032, 566.034, 566.040, 566.060, 566.062,
39 566.064, 566.067, 566.068, 566.070, 566.083, 566.086, 566.090, 566.093, 566.095, 566.100,
40 566.111, 566.135, 566.140, 566.141, 566.145, 566.147, 566.148, 566.149, 566.150, 566.151,
41 566.153, 566.155, 566.203, 566.206, 566.209, 566.212, 566.213, 566.215, 566.218, 566.221,
42 566.224, 566.226, 566.265, 567.010, 567.020, 567.030, 567.040, 567.050, 567.060, 567.070,
43 567.080, 567.085, 567.087, 567.110, 567.120, 568.010, 568.020, 568.030, 568.032, 568.040,
44 568.045, 568.050, 568.052, 568.060, 568.065, 568.070, 568.080, 568.090, 568.100, 568.110,
45 568.120, 568.175, 569.010, 569.020, 569.025, 569.030, 569.035, 569.040, 569.050, 569.055,
46 569.060, 569.065, 569.067, 569.070, 569.072, 569.080, 569.090, 569.094, 569.095, 569.097,
47 569.099, 569.100, 569.120, 569.130, 569.140, 569.145, 569.150, 569.155, 569.160, 569.170,
48 569.180, 570.010, 570.020, 570.030, 570.033, 570.040, 570.050, 570.055, 570.070, 570.080,
49 570.085, 570.087, 570.090, 570.100, 570.103, 570.110, 570.120, 570.123, 570.125, 570.130,
50 570.135, 570.140, 570.145, 570.150, 570.155, 570.160, 570.170, 570.180, 570.190, 570.200,
51 570.210, 570.215, 570.217, 570.219, 570.220, 570.222, 570.223, 570.224, 570.225, 570.226,
52 570.230, 570.235, 570.240, 570.241, 570.245, 570.255, 570.300, 570.310, 570.380, 571.010,
53 571.014, 571.015, 571.017, 571.020, 571.030, 571.045, 571.050, 571.060, 571.063, 571.070,
54 571.072, 571.080, 571.085, 571.087, 571.093, 571.095, 571.101, 571.102, 571.104, 571.107,
55 571.111, 571.114, 571.117, 571.121, 571.150, 572.010, 572.020, 572.030, 572.040, 572.050,
56 572.060, 572.070, 572.110, 572.120, 573.010, 573.013, 573.020, 573.023, 573.025, 573.030,
57 573.035, 573.037, 573.040, 573.050, 573.052, 573.060, 573.065, 573.090, 573.100, 573.500,
58 573.509, 573.528, 573.531, 574.010, 574.020, 574.030, 574.040, 574.050, 574.060, 574.070,
59 574.075, 574.085, 574.105, 574.115, 575.020, 575.021, 575.030, 575.040, 575.050, 575.060,
60 575.070, 575.080, 575.090, 575.100, 575.110, 575.120, 575.130, 575.145, 575.150, 575.153,
61 575.159, 575.160, 575.170, 575.180, 575.190, 575.195, 575.200, 575.205, 575.206, 575.210,
62 575.220, 575.230, 575.240, 575.250, 575.260, 575.270, 575.280, 575.290, 575.300, 575.310,
63 575.320, 575.350, 575.353, 576.010, 576.020, 576.030, 576.040, 576.050, 576.060, 576.070,

64 576.080, 577.001, 577.005, 577.006, 577.010, 577.012, 577.017, 577.020, 577.021, 577.023,
65 577.026, 577.029, 577.031, 577.037, 577.039, 577.041, 577.049, 577.051, 577.052, 577.054,
66 577.060, 577.065, 577.068, 577.070, 577.071, 577.073, 577.075, 577.076, 577.080, 577.090,
67 577.100, 577.105, 577.110, 577.150, 577.155, 577.160, 577.161, 577.201, 577.203, 577.206,
68 577.208, 577.211, 577.214, 577.217, 577.221, 577.500, 577.505, 577.510, 577.515, 577.520,
69 577.525, 577.530, 577.600, 577.602, 577.604, 577.606, 577.608, 577.610, 577.612, 577.614,
70 577.625, 577.628, 577.675, 577.680, 578.008, 578.009, 578.012, 578.018, 578.021, 578.023,
71 578.024, 578.025, 578.027, 578.028, 578.029, 578.030, 578.075, 578.095, 578.100, 578.105,
72 578.106, 578.110, 578.120, 578.150, 578.151, 578.152, 578.153, 578.154, 578.173, 578.176,
73 578.200, 578.205, 578.210, 578.215, 578.220, 578.225, 578.250, 578.255, 578.260, 578.265,
74 578.300, 578.305, 578.310, 578.315, 578.320, 578.325, 578.330, 578.350, 578.353, 578.360,
75 578.363, 578.365, 578.375, 578.377, 578.379, 578.381, 578.383, 578.385, 578.387, 578.389,
76 578.390, 578.405, 578.407, 578.409, 578.412, 578.414, 578.416, 578.418, 578.420, 578.421,
77 578.425, 578.430, 578.433, 578.437, 578.445, 578.450, 578.500, 578.503, 578.510, 578.520,
78 578.525, 578.530, 578.570, 578.614, 589.015, 589.425, 590.700, 610.125, 630.155, 630.165,
79 632.480, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280,
80 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, and
81 701.320, RSMo, and section 302.060 as enacted by conference committee substitute for senate
82 substitute for senate committee substitute for house committee substitute for house bill no. 1402
83 merged with conference committee substitute for house committee substitute no. 2 for senate
84 committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular
85 session, and section 302.060 as enacted by conference committee substitute for senate substitute
86 for senate committee substitute for house committee substitute for house bill no. 1402, ninety-
87 sixth general assembly, second regular session, and section 476.055 as enacted by senate
88 committee substitute for house bill no. 1460 merged with conference committee substitute for
89 house committee substitute for senate bill no. 628, ninety-sixth general assembly, second regular
90 session, and section 476.055 as enacted by conference committee substitute for house committee
91 substitute for senate bill no. 636, ninety-sixth general assembly, second regular session, are
92 repealed and seven hundred twenty-eight new sections enacted in lieu thereof, to be known as
93 sections 27.105, 27.110, 32.057, 43.544, 105.478, 115.631, 130.028, 130.031, 142.909, 142.911,
94 143.1001, 143.1003, 149.200, 160.261, 167.115, 167.171, 168.071, 188.023, 188.030, 190.621,
95 191.905, 191.914, 193.315, 194.410, 194.425, 195.005, 195.010, 195.015, 195.016, 195.017,
96 195.030, 195.040, 195.050, 195.060, 195.080, 195.100, 195.140, 195.150, 195.190, 195.195,
97 195.198, 195.375, 195.417, 195.418, 196.979, 197.266, 197.326, 197.1000, 197.1002, 197.1004,
98 197.1006, 197.1008, 197.1010, 197.1012, 197.1014, 197.1016, 197.1018, 197.1020, 197.1022,
99 197.1024, 197.1026, 197.1028, 197.1030, 197.1032, 197.1034, 197.1036, 197.1038, 197.1040,

100 197.1042, 198.015, 198.070, 198.097, 198.158, 205.965, 210.117, 210.165, 211.038, 211.071,
101 211.447, 214.410, 217.010, 217.360, 217.385, 217.400, 217.405, 217.542, 217.543, 217.692,
102 217.703, 221.025, 221.111, 221.353, 252.235, 253.080, 260.207, 260.208, 260.211, 260.212,
103 260.379, 270.260, 276.421, 276.536, 277.180, 285.306, 285.308, 287.128, 287.129, 288.250,
104 288.395, 301.390, 301.400, 301.401, 301.559, 301.640, 302.015, 302.020, 302.060, 302.181,
105 302.304, 302.321, 302.400, 302.405, 302.410, 302.415, 302.420, 302.425, 302.426, 302.440,
106 302.442, 302.454, 302.456, 302.458, 302.460, 302.462, 302.500, 302.540, 302.541, 302.574,
107 302.580, 302.584, 302.592, 302.605, 302.705, 302.710, 302.727, 302.745, 302.750, 302.755,
108 302.780, 303.024, 303.025, 304.070, 305.125, 305.126, 306.110, 306.111, 306.420, 311.315,
109 311.325, 313.004, 313.040, 313.290, 313.550, 313.660, 313.830, 317.018, 319.1000, 319.1005,
110 319.1007, 319.1010, 319.1025, 319.1028, 319.1031, 319.1034, 319.1037, 319.1040, 319.1043,
111 320.089, 320.161, 324.1142, 324.1148, 334.250, 335.096, 338.195, 338.315, 338.370, 339.100,
112 351.493, 354.320, 362.170, 367.031, 367.045, 374.210, 374.216, 374.702, 374.757, 374.789,
113 375.310, 375.537, 375.720, 375.786, 375.991, 375.1176, 375.1287, 375.1312, 380.391, 382.275,
114 389.653, 407.020, 407.095, 407.420, 407.436, 407.521, 407.536, 407.544, 407.740, 407.1082,
115 407.1252, 411.260, 411.287, 411.371, 411.517, 411.770, 413.229, 429.012, 429.013, 429.014,
116 436.485, 443.810, 443.819, 453.110, 455.085, 455.538, 476.055, 479.172, 513.660, 537.123,
117 537.127, 542.402, 542.425, 544.218, 544.472, 544.665, 545.940, 556.011, 556.021, 556.026,
118 556.036, 556.037, 556.038, 556.041, 556.046, 556.061, 556.101, 557.016, 557.021, 557.026,
119 557.031, 557.035, 557.036, 557.051, 558.002, 558.004, 558.006, 558.008, 558.011, 558.016,
120 558.018, 558.019, 558.026, 558.031, 558.041, 558.046, 559.012, 559.021, 559.036, 559.100,
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127 565.110, 565.115, 565.120, 565.130, 565.140, 565.150, 565.153, 565.156, 565.160, 565.163,
128 565.184, 565.188, 565.189, 565.218, 565.222, 565.225, 565.227, 565.240, 565.252, 565.300,
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140 570.150, 570.180, 570.217, 570.219, 570.220, 570.223, 570.224, 570.225, 570.300, 570.302,
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151 575.205, 575.206, 575.210, 575.220, 575.230, 575.240, 575.250, 575.260, 575.270, 575.280,
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156 577.300, 577.599, 577.600, 577.605, 577.612, 577.675, 577.700, 577.703, 577.706, 577.709,
157 577.712, 577.715, 577.718, 578.009, 578.012, 578.018, 578.021, 578.023, 578.024, 578.025,
158 578.027, 578.028, 578.029, 578.030, 578.095, 578.100, 578.151, 578.152, 578.153, 578.173,
159 578.176, 578.350, 578.365, 578.398, 578.399, 578.405, 578.421, 578.425, 578.430, 578.437,
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161 579.055, 579.060, 579.065, 579.068, 579.070, 579.072, 579.074, 579.076, 579.078, 579.080,
162 579.082, 579.084, 579.086, 579.090, 579.095, 579.097, 579.099, 579.101, 579.103, 579.105,
163 579.107, 579.110, 579.115, 579.150, 579.155, 579.170, 579.175, 579.180, 579.185, 589.015,
164 589.425, 590.700, 595.223, 595.226, 595.229, 595.232, 610.125, 610.130, 630.155, 630.161,
165 630.162, 630.164, 630.165, 632.480, 650.150, 650.153, 650.156, 650.159, 650.161, 650.165, and
166 701.320, to read as follows:

[572.110.] **27.105.** [It shall be the duty of the circuit attorneys and prosecuting attorneys
2 in their respective jurisdictions to enforce the provisions of this chapter, and] The attorney
3 general shall have a concurrent duty to enforce the provisions of [this] chapter **572.**

[578.390.] **27.110.** The office of the attorney general shall establish and maintain a
2 statewide toll-free telephone service which shall be operated on a sixteen-hour schedule during

3 the work week and an eight-hour schedule on weekends and holidays to receive complaints of
4 [a] suspected welfare fraud. This service shall receive reports over a single statewide toll-free
5 number.

32.057. 1. Except as otherwise specifically provided by law, it shall be unlawful for the
2 director of revenue, any officer, employee, agent or deputy or former director, officer, employee,
3 agent or deputy of the department of revenue, any person engaged or retained by the department
4 of revenue on an independent contract basis, any person to whom authorized or unauthorized
5 disclosure is made by the department of revenue, or any person who lawfully or unlawfully
6 inspects any report or return filed with the department of revenue or to whom a copy, an abstract
7 or a portion of any report or return is furnished by the department of revenue to make known in
8 any manner, to permit the inspection or use of or to divulge to anyone any information relative
9 to any such report or return, any information obtained by an investigation conducted by the
10 department in the discharge of official duty, or any information received by the director in
11 cooperation with the United States or other states in the enforcement of the revenue laws of this
12 state. Such confidential information is limited to information received by the department in
13 connection with the administration of the tax laws of this state.

14 2. Nothing in this section shall be construed to prohibit:

15 (1) The disclosure of information, returns, reports, or facts shown thereby, as described
16 in subsection 1 of this section, by any officer, clerk or other employee of the department of
17 revenue charged with the custody of such information:

18 (a) To a taxpayer or the taxpayer's duly authorized representative under regulations
19 which the director of revenue may prescribe;

20 (b) In any action or proceeding, civil, criminal or mixed, brought to enforce the revenue
21 laws of this state;

22 (c) To the state auditor or the auditor's duly authorized employees as required by
23 subsection 4 of this section;

24 (d) To any city officer designated by ordinance of a city within this state to collect a city
25 earnings tax, upon written request of such officer, which request states that the request is made
26 for the purpose of determining or enforcing compliance with such city earnings tax ordinance
27 and provided that such information disclosed shall be limited to that sufficient to identify the
28 taxpayer, and further provided that in no event shall any information be disclosed that will result
29 in the department of revenue being denied such information by the United States or any other
30 state. The city officer requesting the identity of taxpayers filing state returns but not paying city
31 earnings tax shall furnish to the director of revenue a list of taxpayers paying such earnings tax,
32 and the director shall compare the list submitted with the director's records and return to such
33 city official the name and address of any taxpayer who is a resident of such city who has filed

34 a state tax return but who does not appear on the list furnished by such city. The director of
35 revenue may set a fee to reimburse the department for the costs reasonably incurred in providing
36 this information;

37 (e) To any employee of any county or other political subdivision imposing a sales tax
38 which is administered by the state department of revenue whose office is authorized by the
39 governing body of the county or other political subdivision to receive any and all records of the
40 state director of revenue pertaining to the administration, collection and enforcement of its sales
41 tax. The request for sales tax records and reports shall include a description of the type of report
42 requested, the media form including electronic transfer, computer tape or disk, or printed form,
43 and the frequency desired. The request shall be made by annual written application and shall be
44 filed with the director of revenue. The director of revenue may set a fee to reimburse the
45 department for the costs reasonably incurred in providing this information. Such city or county
46 or any employee thereof shall be subject to the same standards for confidentiality as required for
47 the department of revenue in using the information contained in the reports;

48 (f) To the director of the department of economic development or the director's duly
49 authorized employees in discharging the director's official duties to certify taxpayers eligibility
50 to claim state tax credits as prescribed by statutes;

51 (g) To any employee of any political subdivision, such records of the director of revenue
52 pertaining to the administration, collection and enforcement of the tax imposed in chapter 149
53 as are necessary for ensuring compliance with any cigarette or tobacco tax imposed by such
54 political subdivision. The request for such records shall be made in writing to the director of
55 revenue, and shall include a description of the type of information requested and the desired
56 frequency. The director of revenue may charge a fee to reimburse the department for costs
57 reasonably incurred in providing such information;

58 (2) The publication by the director of revenue or of the state auditor in the audit reports
59 relating to the department of revenue of:

60 (a) Statistics, statements or explanations so classified as to prevent the identification of
61 any taxpayer or of any particular reports or returns and the items thereof;

62 (b) The names and addresses without any additional information of persons who filed
63 returns and of persons whose tax refund checks have been returned undelivered by the United
64 States Post Office;

65 (3) The director of revenue from permitting the Secretary of the Treasury of the United
66 States or the Secretary's delegates, the proper officer of any state of the United States imposing
67 a tax equivalent to any of the taxes administered by the department of revenue of the state of
68 Missouri or the appropriate representative of the multistate tax commission to inspect any return
69 or report required by the respective tax provision of this state, or may furnish to such officer an

70 abstract of the return or report or supply the officer with information contained in the return or
71 disclosed by the report of any authorized investigation. Such permission, however, shall be
72 granted on condition that the corresponding revenue statute of the United States or of such other
73 state, as the case may be, grants substantially similar privileges to the director of revenue and on
74 further condition that such corresponding statute gives confidential status to the material with
75 which it is concerned;

76 (4) The disclosure of information, returns, reports, or facts shown thereby, by any person
77 on behalf of the director of revenue, in any action or proceeding to which the director is a party
78 or on behalf of any party to any action or proceeding pursuant to the revenue laws of this state
79 when such information is directly involved in the action or proceeding, in either of which events
80 the court may require the production of, and may admit in evidence, so much of such information
81 as is pertinent to the action or proceeding and no more;

82 (5) The disclosure of information, returns, reports, or facts shown thereby, by any person
83 to a state or federal prosecuting official, including, but not limited to, the state and federal
84 attorneys general, or the official's designees involved in any criminal, quasi-criminal, or civil
85 investigation, action or proceeding pursuant to the laws of this state or of the United States when
86 such information is pertinent to an investigation, action or proceeding involving the
87 administration of the revenue laws or duties of public office or employment connected therewith;

88 (6) Any school district from obtaining the aggregate amount of the financial institution
89 tax paid pursuant to chapter 148 by financial institutions located partially or exclusively within
90 the school district's boundaries, provided that the school district request such disclosure in
91 writing to the department of revenue;

92 (7) The disclosure of records which identify all companies licensed by this state pursuant
93 to the provisions of subsections 1 and 2 of section 149.035. The director of revenue may charge
94 a fee to reimburse the department for the costs reasonably incurred in providing such records;

95 (8) The disclosure to the commissioner of administration pursuant to section 34.040 of
96 a list of vendors and their affiliates who meet the conditions of section 144.635, but refuse to
97 collect the use tax levied pursuant to chapter 144 on their sales delivered to this state;

98 (9) The disclosure to the public of any information, or facts shown thereby regarding the
99 claiming of a state tax credit by a member of the Missouri general assembly or any statewide
100 elected public official.

101 3. Any person violating any provision of subsection 1 or 2 of this section shall, upon
102 conviction, be guilty of a class [D] E felony.

103 4. The state auditor or the auditor's duly authorized employees who have taken the oath
104 of confidentiality required by section 29.070 shall have the right to inspect any report or return
105 filed with the department of revenue if such inspection is related to and for the purpose of

106 auditing the department of revenue; except that, the state auditor or the auditor's duly authorized
107 employees shall have no greater right of access to, use and publication of information, audit and
108 related activities with respect to income tax information obtained by the department of revenue
109 pursuant to chapter 143 or federal statute than specifically exists pursuant to the laws of the
110 United States and of the income tax laws of the state of Missouri.

[577.005.] **43.544.** 1. Each law enforcement agency shall adopt a policy requiring arrest
2 information for all intoxication-related traffic offenses be forwarded to the central repository as
3 required by section 43.503 and shall certify adoption of such policy when applying for any grants
4 administered by the department of public safety.

5 2. Each county prosecuting attorney and municipal prosecutor shall adopt a policy
6 requiring charge information for all intoxication-related traffic offenses be forwarded to the
7 central repository as required by section 43.503 and shall certify adoption of such policy when
8 applying for any grants administered by the department of public safety.

9 3. Effective January 1, 2011, the highway patrol shall, based on the data submitted,
10 maintain regular accountability reports of intoxication-related traffic offense arrests, charges, and
11 dispositions.

105.478. Any person guilty of knowingly violating any of the provisions of sections
2 105.450 to 105.498 shall be punished as follows:

3 (1) For the first offense, such person is guilty of a class B misdemeanor;

4 (2) For the second and subsequent offenses, such person is guilty of a class [D] E felony.

115.631. The following offenses, and any others specifically so described by law, shall
2 be class one election offenses and are deemed felonies connected with the exercise of the right
3 of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more
4 than five years or by fine of not less than two thousand five hundred dollars but not more than
5 ten thousand dollars or by both such imprisonment and fine:

6 (1) Willfully and falsely making any certificate, affidavit, or statement required to be
7 made pursuant to any provision of sections 115.001 to 115.641 and sections 51.450 and 51.460,
8 including but not limited to statements specifically required to be made "under penalty of
9 perjury"; or in any other manner knowingly furnishing false information to an election authority
10 or election official engaged in any lawful duty or action in such a way as to hinder or mislead the
11 authority or official in the performance of official duties. If an individual willfully and falsely
12 makes any certificate, affidavit, or statement required to be made under section 115.155,
13 including but not limited to statements specifically required to be made "under penalty of
14 perjury", such individual shall be guilty of a class [C] D felony;

- 15 (2) Voting more than once or voting at any election knowing that the person is not
16 entitled to vote or that the person has already voted on the same day at another location inside
17 or outside the state of Missouri;
- 18 (3) Procuring any person to vote knowing the person is not lawfully entitled to vote or
19 knowingly procuring an illegal vote to be cast at any election;
- 20 (4) Applying for a ballot in the name of any other person, whether the name be that of
21 a person living or dead or of a fictitious person, or applying for a ballot in his own or any other
22 name after having once voted at the election inside or outside the state of Missouri;
- 23 (5) Aiding, abetting or advising another person to vote knowing the person is not legally
24 entitled to vote or knowingly aiding, abetting or advising another person to cast an illegal vote;
- 25 (6) An election judge knowingly causing or permitting any ballot to be in the ballot box
26 at the opening of the polls and before the voting commences;
- 27 (7) Knowingly furnishing any voter with a false or fraudulent or bogus ballot, or
28 knowingly practicing any fraud upon a voter to induce him to cast a vote which will be rejected,
29 or otherwise defrauding him of his vote;
- 30 (8) An election judge knowingly placing or attempting to place or permitting any ballot,
31 or paper having the semblance of a ballot, to be placed in a ballot box at any election unless the
32 ballot is offered by a qualified voter as provided by law;
- 33 (9) Knowingly placing or attempting to place or causing to be placed any false or
34 fraudulent or bogus ballot in a ballot box at any election;
- 35 (10) Knowingly removing any legal ballot from a ballot box for the purpose of changing
36 the true and lawful count of any election or in any other manner knowingly changing the true and
37 lawful count of any election;
- 38 (11) Knowingly altering, defacing, damaging, destroying or concealing any ballot after
39 it has been voted for the purpose of changing the lawful count of any election;
- 40 (12) Knowingly altering, defacing, damaging, destroying or concealing any poll list,
41 report, affidavit, return or certificate for the purpose of changing the lawful count of any election;
- 42 (13) On the part of any person authorized to receive, tally or count a poll list, tally sheet
43 or election return, receiving, tallying or counting a poll list, tally sheet or election return the
44 person knows is fraudulent, forged or counterfeit, or knowingly making an incorrect account of
45 any election;
- 46 (14) On the part of any person whose duty it is to grant certificates of election, or in any
47 manner declare the result of an election, granting a certificate to a person the person knows is not
48 entitled to receive the certificate, or declaring any election result the person knows is based upon
49 fraudulent, fictitious or illegal votes or returns;

50 (15) Willfully destroying or damaging any official ballots, whether marked or unmarked,
51 after the ballots have been prepared for use at an election and during the time they are required
52 by law to be preserved in the custody of the election judges or the election authority;

53 (16) Willfully tampering with, disarranging, altering the information on, defacing,
54 impairing or destroying any voting machine or marking device after the machine or marking
55 device has been prepared for use at an election and during the time it is required by law to remain
56 locked and sealed with intent to impair the functioning of the machine or marking device at an
57 election, mislead any voter at the election, or to destroy or change the count or record of votes
58 on such machine;

59 (17) Registering to vote knowing the person is not legally entitled to register or
60 registering in the name of another person, whether the name be that of a person living or dead
61 or of a fictitious person;

62 (18) Procuring any other person to register knowing the person is not legally entitled to
63 register, or aiding, abetting or advising another person to register knowing the person is not
64 legally entitled to register;

65 (19) Knowingly preparing, altering or substituting any computer program or other
66 counting equipment to give an untrue or unlawful result of an election;

67 (20) On the part of any person assisting a blind or disabled person to vote, knowingly
68 failing to cast such person's vote as such person directs;

69 (21) On the part of any registration or election official, permitting any person to register
70 to vote or to vote when such official knows the person is not legally entitled to register or not
71 legally entitled to vote;

72 (22) On the part of a notary public acting in his official capacity, knowingly violating
73 any of the provisions of sections 115.001 to 115.627 or any provision of law pertaining to
74 elections;

75 (23) Violation of any of the provisions of sections 115.275 to 115.303, or of any
76 provision of law pertaining to absentee voting;

77 (24) Assisting a person to vote knowing such person is not legally entitled to such
78 assistance, or while assisting a person to vote who is legally entitled to such assistance, in any
79 manner coercing, requesting or suggesting that the voter vote for or against, or refrain from
80 voting on any question, ticket or candidate;

81 (25) Engaging in any act of violence, destruction of property having a value of five
82 hundred dollars or more, or threatening an act of violence with the intent of denying a person's
83 lawful right to vote or to participate in the election process; and

84 (26) Knowingly providing false information about election procedures for the purpose
85 of preventing any person from going to the polls.

130.028. 1. Every person, labor organization, or corporation organized or existing by virtue of the laws of this state, or doing business in this state who shall:

(1) Discriminate or threaten to discriminate against any member in this state with respect to his **or her** membership, or discharge or discriminate or threaten to discriminate against any employee in this state, with respect to his **or her** compensation, terms, conditions or privileges of employment by reason of his political beliefs or opinions; or

(2) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or refrain from voting for any candidate at any election in this state; or

(3) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or refrain from voting for any issue at any election in this state; or

(4) Make any member or employee as a condition of membership or employment, contribute to any candidate, political committee or separate political fund; or

(5) Discriminate or threaten to discriminate against any member or employee in this state for contributing or refusing to contribute to any candidate, political committee or separate political fund with respect to the privileges of membership or with respect to his employment and the compensation, terms, conditions or privileges related thereto shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not more than five thousand dollars and confinement for not more than six months, or both, provided, after January 1, 1979, the violation of this subsection shall be a class [D] **E** felony.

2. No employer, corporation, political action committee, or labor organization shall receive or cause to be made contributions from its members or employees except on the advance voluntary permission of the members or employees. Violation of this section by the corporation, employer, political action committee or labor organization shall be a class A misdemeanor.

3. An employer shall, upon written request by ten or more employees, provide its employees with the option of contributing to a political action committee as defined in section 130.011 through payroll deduction, if the employer has a system of payroll deduction. No contribution to a political action committee from an employee through payroll deduction shall be made other than to a political action committee voluntarily chosen by the employee. Violation of this section shall be a class A misdemeanor.

4. Any person aggrieved by any act prohibited by this section shall, in addition to any other remedy provided by law, be entitled to maintain within one year from the date of the prohibited act, a civil action in the courts of this state, and if successful, he **or she** shall be awarded civil damages of not less than one hundred dollars and not more than one thousand dollars, together with his **or her** costs, including reasonable attorney's fees. Each violation shall be a separate cause of action.

130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall be made by or accepted from any single contributor for any election by a political action committee, a campaign committee, a political party committee, an exploratory committee or a candidate committee.

2. Except for expenditures from a petty cash fund which is established and maintained by withdrawals of funds from the committee's depository account and with records maintained pursuant to the record-keeping requirements of section 130.036 to account for expenditures made from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall be made by check drawn on the committee's depository and signed by the committee treasurer, deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the committee during that calendar year. A check made payable to "cash" shall not be made except to replenish a petty cash fund.

3. No contribution shall be made or accepted and no expenditure shall be made or incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to conceal the identity of the actual source of the contribution or the actual recipient and purpose of the expenditure. Any person who receives contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate the recipient's own name and address and the name and address of the actual source of each contribution such person has received for that committee. Any person who makes expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or candidate such person's own name and address, the name and address of each person to whom an expenditure has been made and the amount and purpose of the expenditures the person has made for that committee.

4. No anonymous contribution of more than twenty-five dollars shall be made by any person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any candidate or committee. If any anonymous contribution of more than twenty-five dollars is received, it shall be returned immediately to the contributor, if the contributor's identity can be ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee treasurer or deputy treasurer shall immediately transmit that portion of the contribution which exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

5. The maximum aggregate amount of anonymous contributions which shall be accepted in any calendar year by any committee shall be the greater of five hundred dollars or one percent of the aggregate amount of all contributions received by that committee in the same calendar year. If any anonymous contribution is received which causes the aggregate total of anonymous

37 contributions to exceed the foregoing limitation, it shall be returned immediately to the
38 contributor, if the contributor's identity can be ascertained, and, if the contributor's identity
39 cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately
40 transmit the anonymous contribution to the state treasurer to escheat to the state.

41 6. Notwithstanding the provisions of subsection 5 of this section, contributions from
42 individuals whose names and addresses cannot be ascertained which are received from a
43 fund-raising activity or event, such as defined in section 130.011, shall not be deemed
44 anonymous contributions, provided the following conditions are met:

45 (1) There are twenty-five or more contributing participants in the activity or event;

46 (2) The candidate, committee treasurer, deputy treasurer or the person responsible for
47 conducting the activity or event makes an announcement that it is illegal for anyone to make or
48 receive a contribution in excess of one hundred dollars unless the contribution is accompanied
49 by the name and address of the contributor;

50 (3) The person responsible for conducting the activity or event does not knowingly
51 accept payment from any single person of more than one hundred dollars unless the name and
52 address of the person making such payment is obtained and recorded pursuant to the
53 record-keeping requirements of section 130.036;

54 (4) A statement describing the event shall be prepared by the candidate or the treasurer
55 of the committee for whom the funds were raised or by the person responsible for conducting the
56 activity or event and attached to the disclosure report of contributions and expenditures required
57 by section 130.041. The following information to be listed in the statement is in addition to, not
58 in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of
59 contributions and expenditures:

60 (a) The name and mailing address of the person or persons responsible for conducting
61 the event or activity and the name and address of the candidate or committee for whom the funds
62 were raised;

63 (b) The date on which the event occurred;

64 (c) The name and address of the location where the event occurred and the approximate
65 number of participants in the event;

66 (d) A brief description of the type of event and the fund-raising methods used;

67 (e) The gross receipts from the event and a listing of the expenditures incident to the
68 event;

69 (f) The total dollar amount of contributions received from the event from participants
70 whose names and addresses were not obtained with such contributions and an explanation of
71 why it was not possible to obtain the names and addresses of such participants;

72 (g) The total dollar amount of contributions received from contributing participants in
73 the event who are identified by name and address in the records required to be maintained
74 pursuant to section 130.036.

75 7. No candidate or committee in this state shall accept contributions from any
76 out-of-state committee unless the out-of-state committee from whom the contributions are
77 received has filed a statement of organization pursuant to section 130.021 or has filed the reports
78 required by sections 130.049 and 130.050, whichever is applicable to that committee.

79 8. Any person publishing, circulating, or distributing any printed matter relative to any
80 candidate for public office or any ballot measure shall on the face of the printed matter identify
81 in a clear and conspicuous manner the person who paid for the printed matter with the words
82 "Paid for by" followed by the proper identification of the sponsor pursuant to this section. For
83 the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular,
84 handbill, sample ballot, advertisement, including advertisements in any newspaper or other
85 periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered
86 material; but "printed matter" is defined to exclude materials printed and purchased prior to May
87 20, 1982, if the candidate or committee can document that delivery took place prior to May 20,
88 1982; any sign personally printed and constructed by an individual without compensation from
89 any other person and displayed at that individual's place of residence or on that individual's
90 personal motor vehicle; any items of personal use given away or sold, such as campaign buttons,
91 pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a
92 candidate or committee which supports a candidate or supports or opposes a ballot measure and
93 which is obvious in its identification with a specific candidate or committee and is reported as
94 required by this chapter; and any news story, commentary, or editorial printed by a regularly
95 published newspaper or other periodical without charge to a candidate, committee or any other
96 person.

97 (1) In regard to any printed matter paid for by a candidate from the candidate's personal
98 funds, it shall be sufficient identification to print the first and last name by which the candidate
99 is known.

100 (2) In regard to any printed matter paid for by a committee, it shall be sufficient
101 identification to print the name of the committee as required to be registered by subsection 5 of
102 section 130.021 and the name and title of the committee treasurer who was serving when the
103 printed matter was paid for.

104 (3) In regard to any printed matter paid for by a corporation or other business entity,
105 labor organization, or any other organization not defined to be a committee by subdivision (9)
106 of section 130.011 and not organized especially for influencing one or more elections, it shall
107 be sufficient identification to print the name of the entity, the name of the principal officer of the

108 entity, by whatever title known, and the mailing address of the entity, or if the entity has no
109 mailing address, the mailing address of the principal officer.

110 (4) In regard to any printed matter paid for by an individual or individuals, it shall be
111 sufficient identification to print the name of the individual or individuals and the respective
112 mailing address or addresses, except that if more than five individuals join in paying for printed
113 matter it shall be sufficient identification to print the words "For a list of other sponsors contact:"
114 followed by the name and address of one such individual responsible for causing the matter to
115 be printed, and the individual identified shall maintain a record of the names and amounts paid
116 by other individuals and shall make such record available for review upon the request of any
117 person. No person shall accept for publication or printing nor shall such work be completed until
118 the printed matter is properly identified as required by this subsection.

119 9. Any broadcast station transmitting any matter relative to any candidate for public
120 office or ballot measure as defined by this chapter shall identify the sponsor of such matter as
121 required by federal law.

122 10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for
123 elective federal office, provided that persons causing matter to be printed or broadcast
124 concerning such candidacies shall comply with the requirements of federal law for identification
125 of the sponsor or sponsors.

126 11. It shall be a violation of this chapter for any person required to be identified as
127 paying for printed matter pursuant to subsection 8 of this section or paying for broadcast matter
128 pursuant to subsection 9 of this section to refuse to provide the information required or to
129 purposely provide false, misleading, or incomplete information.

130 12. It shall be a violation of this chapter for any committee to offer chances to win prizes
131 or money to persons to encourage such persons to endorse, send election material by mail,
132 deliver election material in person or contact persons at their homes; except that, the provisions
133 of this subsection shall not be construed to prohibit hiring and paying a campaign staff.

134 13. Political action committees shall only receive contributions from individuals; unions;
135 federal political action committees; and corporations, associations, and partnerships formed
136 under chapters 347 to 360, and shall be prohibited from receiving contributions from other
137 political action committees, candidate committees, political party committees, campaign
138 committees, exploratory committees, or debt service committees. However, candidate
139 committees, political party committees, campaign committees, exploratory committees, and debt
140 service committees shall be allowed to return contributions to a donor political action committee
141 that is the origin of the contribution.

142 14. The prohibited committee transfers described in subsection 13 of this section shall
143 not apply to the following committees:

144 (1) The state house committee per political party designated by the respective majority
145 or minority floor leader of the house of representatives or the chair of the state party if the party
146 does not have majority or minority party status;

147 (2) The state senate committee per political party designated by the respective majority
148 or minority floor leader of the senate or the chair of the state party if the party does not have
149 majority or minority party status.

150 15. No person shall transfer anything of value to any committee with the intent to
151 conceal, from the ethics commission, the identity of the actual source. Any violation of this
152 subsection shall be punishable as follows:

153 (1) For the first violation, the ethics commission shall notify such person that the transfer
154 to the committee is prohibited under this section within five days of determining that the transfer
155 is prohibited, and that such person shall notify the committee to which the funds were transferred
156 that the funds must be returned within ten days of such notification;

157 (2) For the second violation, the person transferring the funds shall be guilty of a class
158 C misdemeanor;

159 (3) For the third and subsequent violations, the person transferring the funds shall be
160 guilty of a class [D] E felony.

161 16. Beginning January 1, 2011, all committees required to file campaign financial
162 disclosure reports with the Missouri ethics commission shall file any required disclosure report
163 in an electronic format as prescribed by the ethics commission.

142.909. A person who violates any provision of this chapter, including, but not limited
2 to the failure to obtain required licenses or permits, or fails to keep records as prescribed herein,
3 or neglects, fails or refuses to allow the director, the director's authorized agents or the Missouri
4 highway patrol to inspect an item of equipment or records, or who fails, neglects or refuses to
5 pay the tax due is guilty of a misdemeanor and may be punished as prescribed by law. Any
6 person who violates any of the provisions of this section with the purpose to defraud is guilty of
7 a class [D] E felony.

142.911. 1. Each person operating a refinery, terminal, or bulk plant in this state shall
2 prepare and provide to the driver of every fuel transportation vehicle receiving motor fuel into
3 the vehicle storage tank at the facility a shipping document setting out on its face:

4 (1) Identification by city and state of the terminal, refinery or bulk plant from which the
5 motor fuel was removed;

6 (2) The date the motor fuel was removed;

7 (3) The amount of motor fuel removed, gross gallons and net gallons;

8 (4) The state of destination as represented to the terminal operator by the transporter, the
9 shipper or the agent of the shipper;

10 (5) Any other information required by the director for the enforcement of this chapter;
11 and

12 (6) The supplier, consignee and carrier of the motor fuel.

13 2. A terminal operator may manually prepare shipping papers if the terminal does not
14 have the ability to prepare automated shipping papers or as a result of extraordinary unforeseen
15 circumstances, including acts of God, which temporarily interfere with the ability of the terminal
16 operator to issue automated machine-generated shipping papers. However, the terminal operator
17 shall, prior to manually preparing the papers, provide, in the case of a terminal not having the
18 ability to prepare automated shipping papers, written notice to the director, or in the case of
19 extraordinary circumstances, telephonic notice to the director and obtain a service interruption
20 authorization number which the employees of the terminal operator shall add to the manually
21 prepared papers prior to removal of each affected transport load from the terminal. The service
22 interruption authorization number shall be valid for use by the terminal operator for a period not
23 to exceed twenty-four hours. If the interruption has not been corrected within the
24 twenty-four-hour period, additional [notice(s)] **notice or notices** to the director shall be required
25 and interruption authorization [number(s)] **number or numbers** may be issued upon explanation
26 by the terminal operator satisfactory to the director. If the terminal operator acquires the ability
27 to prepare automated machine-printed shipping papers, the terminal operator shall notify the
28 director no later than ten days prior to the initial use of such capability.

29 3. An operator of a bulk plant in this state delivering motor fuel into a tank wagon for
30 subsequent delivery to a consumer in this state shall be exempt from this section. An operator
31 of a bulk plant in this state shall not be required to identify net gallons on the shipping
32 documents as provided by this section.

33 4. A refinery or terminal operator may load motor fuel, a portion of which fuel is
34 destined for sale or use in this state and a portion of which fuel is destined for sale or use in
35 another state or states. However, such split loads removed shall be documented by the terminal
36 operator by issuing shipping papers designating the state of destination for each portion of the
37 fuel.

38 5. Each refinery or terminal operator shall post a conspicuous notice proximately located
39 to the point of receipt of shipping papers by transport truck operators, which notice shall describe
40 in clear and concise terms the duties of the transport operator and supplier under section 142.914,
41 provided that the director may establish the language, type, style and format of the notice.

42 6. No terminal operator shall imprint, and no supplier shall knowingly permit a terminal
43 operator to imprint on behalf of the supplier, any false statement on a shipping paper relating to
44 motor fuel to be delivered to this state or to a state having substantially the same shipping paper

45 requirements with respect to the supplier of the fuel, whether or not it was dyed for the intended
46 destination.

47 7. Any terminal operator who shall knowingly imprint any false statement in violation
48 of this section shall be jointly and severally liable for all the taxes levied by this chapter which
49 are not collected by this state as a result of such action.

50 8. Any supplier who knowingly violates this section shall be jointly and severally liable
51 with the terminal operator.

52 9. A person who knowingly violates or knowingly aids and abets another to violate this
53 section with the intent to evade the tax levied by this chapter shall be guilty of a class [D] E
54 felony.

55 10. The director may impose a civil penalty of one thousand dollars for the first
56 occurrence against every terminal operator that fails to meet shipping paper issuance
57 requirements under this chapter. Each subsequent occurrence described in this subsection is
58 subject to a civil penalty of five thousand dollars.

143.1001. 1. In each tax year beginning on or after January 1, 1990, each individual or
2 corporation entitled to a tax refund in an amount sufficient to make a designation under this
3 section may designate that two dollars or any amount in excess of two dollars on a single return,
4 and four dollars or any amount in excess of four dollars on a combined return, of the refund due
5 be credited to the veterans' trust fund. The contribution designation authorized by this section
6 shall be clearly and unambiguously printed on each income tax return form provided by this
7 state. If any individual or corporation which is not entitled to a tax refund in an amount
8 sufficient to make a designation under this section wishes to make a contribution to the veterans'
9 trust fund, such individual or corporation may, by separate check, draft, or other negotiable
10 instrument, send in with the payment of taxes, or may send in separately, that amount, clearly
11 designated for the veterans' trust fund, the individual or corporation wishes to contribute and the
12 department of revenue shall forward such amount to the state treasurer for deposit to the veterans'
13 trust fund as provided in subsection 2 of this section.

14 2. The director of revenue shall transfer at least monthly all contributions designated by
15 individuals under this section to the state treasurer for deposit to the veterans' trust fund.

16 3. The director of revenue shall transfer at least monthly all contributions designated by
17 corporations under this section, less an amount sufficient to cover the cost of collection and
18 handling by the department of revenue, to the state treasurer for deposit to the veterans' trust
19 fund.

20 4. A contribution designated under this section shall only be transferred and deposited
21 in the veterans' trust fund after all other claims against the refund from which such contribution
22 is to be made have been satisfied.

23 5. Notwithstanding any other law to the contrary, the names and addresses of individuals
24 or corporations who designate a contribution to this fund may be supplied to the veterans'
25 commission, for the purpose of sending an acknowledgment and written appreciation to those
26 individuals and corporations. Under no circumstances shall the names and addresses be used for
27 any purpose other than that expressed in this subsection. Release or use of the names and
28 addresses for any other purpose is a class [C] **D** felony.

 143.1003. 1. In each tax year beginning on or after January 1, 1999, each individual or
2 corporation entitled to a tax refund in an amount sufficient to make a designation pursuant to this
3 section may designate that two dollars or any amount in excess of two dollars on a single return
4 and four dollars or any amount in excess of four dollars on a combined return, of the refund due
5 be credited to the Missouri national guard trust fund. The contribution designation authorized
6 by this section shall be clearly and unambiguously printed on each income tax return form
7 provided by this state. If any individual or corporation which is not entitled to a tax refund in
8 an amount sufficient to make a designation pursuant to this section wishes to make a contribution
9 to the Missouri national guard trust fund, such individual or corporation may, by separate check,
10 draft or other negotiable instrument, send in with the payment of taxes, or may send in
11 separately, that amount, clearly designated for the Missouri national guard trust fund, the
12 individual or corporation wishes to contribute and the department of revenue shall forward such
13 amount to the state treasurer for deposit to the Missouri national guard trust fund as provided in
14 subsection 2 of this section.

15 2. The director of revenue shall transfer at least monthly all contributions designated by
16 individuals pursuant to this section to the state treasurer for deposit in the Missouri national
17 guard trust fund.

18 3. A contribution designated pursuant to this section shall only be transferred and
19 deposited in the Missouri national guard trust fund after all other claims against the refund from
20 which such contribution is to be made have been satisfied.

21 4. Notwithstanding any other law to the contrary, the names and addresses of individuals
22 or corporations who designate a contribution to this fund may be supplied to the office of the
23 adjutant general, for the purpose of sending an acknowledgment and written appreciation to those
24 individuals and corporations. Under no circumstances shall the names and addresses be used for
25 any purpose other than that expressed in this subsection. Any person who releases or uses any
26 of the names and addresses for any other purpose is guilty of a class [C] **D** felony.

27 5. Moneys to be credited to the Missouri national guard trust fund pursuant to subsection
28 1 of this section shall be placed in a subaccount and shall be used solely for the purpose
29 authorized in section 41.958.

 149.200. 1. It is unlawful for any person to:

2 (1) Sell or distribute in this state, to acquire, hold, own, possess or transport for sale or
3 distribution in this state, or to import, or cause to be imported into this state for sale or
4 distribution in this state, any cigarettes that do not comply with all requirements imposed by or
5 pursuant to federal law and implementing regulations, including but not limited to the filing of
6 ingredients lists pursuant to Section 7 of the Federal Cigarette Labeling and Advertising Act (15
7 U.S.C. 1335a); the permanent imprinting on the primary packaging of the precise package
8 warning labels in the precise format specified in Section 4 of the Federal Cigarette Labeling and
9 Advertising Act (15 U.S.C. 1333); the rotation of label statements pursuant to Section 4(c) of
10 the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335(c)); restrictions on the
11 importation, transfer and sale of previously exported tobacco products pursuant to Section 9302
12 of Public Law 105-33, the Balanced Budget Act of 1997, as amended; requirements of Title IV
13 of Public Law 106-476, the Imported Cigarette Compliance Act of 2000; or

14 (2) Alter the package of any cigarettes, prior to sale or distribution to the ultimate
15 consumer, so as to remove, conceal or obscure:

16 (a) Any statement, label, stamp, sticker or notice indicating that the manufacturer did not
17 intend the cigarettes to be sold, distributed or used in the United States, including but not limited
18 to labels stating "For Export Only", "U.S. Tax Exempt", "For Use Outside U.S.", or similar
19 wording; or

20 (b) Any health warning that is not the precise warning statement in the precise format
21 specified in Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333).

22 2. It shall be unlawful for any person to affix any tax stamp or meter impression required
23 pursuant to this chapter to the package of any cigarettes that does not comply with the
24 requirements of subdivision (1) of subsection 1 of this section or that is altered in violation of
25 subdivision (2) of subsection 1 of this section.

26 3. This section shall not apply to cigarettes allowed to be imported or brought into the
27 United States for personal use, or to cigarettes sold or intended to be sold as duty-free
28 merchandise by a duty-free sales enterprise in accordance with the provisions of 19 U.S.C.
29 1555(b) and any implementing regulations; provided, however, that sections 149.200 to 149.215
30 shall apply to any such cigarettes that are brought back into the customs territory for resale within
31 the customs territory.

32 4. Any person who violates this section, whether acting knowingly or recklessly, is guilty
33 of a class [D] E felony.

34 5. As used in this section, "package" means a pack, box, carton or container of any kind
35 in which cigarettes are offered for sale, sold or otherwise distributed to consumers.

160.261. 1. The local board of education of each school district shall clearly establish
2 a written policy of discipline, including the district's determination on the use of corporal

3 punishment and the procedures in which punishment will be applied. A written copy of the
4 district's discipline policy and corporal punishment procedures, if applicable, shall be provided
5 to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning
6 of each school year and also made available in the office of the superintendent of such district,
7 during normal business hours, for public inspection. All employees of the district shall annually
8 receive instruction related to the specific contents of the policy of discipline and any
9 interpretations necessary to implement the provisions of the policy in the course of their duties,
10 including but not limited to approved methods of dealing with acts of school violence,
11 disciplining students with disabilities and instruction in the necessity and requirements for
12 confidentiality.

13 2. The policy shall require school administrators to report acts of school violence to all
14 teachers at the attendance center and, in addition, to other school district employees with a need
15 to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school
16 personnel who are directly responsible for the student's education or who otherwise interact with
17 the student on a professional basis while acting within the scope of their assigned duties. As
18 used in this section, the phrase "act of school violence" or "violent behavior" means the exertion
19 of physical force by a student with the intent to do serious physical injury as defined in
20 subdivision (6) of section 565.002 to another person while on school property, including a school
21 bus in service on behalf of the district, or while involved in school activities. The policy shall
22 at a minimum require school administrators to report, as soon as reasonably practical, to the
23 appropriate law enforcement agency any of the following crimes, or any act which if committed
24 by an adult would be one of the following crimes:

- 25 (1) First degree murder under section 565.020;
- 26 (2) Second degree murder under section 565.021;
- 27 (3) Kidnapping under section 565.110;
- 28 (4) First degree assault under section 565.050;
- 29 (5) [Forcible] Rape **in the first degree** under section 566.030;
- 30 (6) [Forcible] Sodomy **in the first degree** under section 566.060;
- 31 (7) Burglary in the first degree under section 569.160;
- 32 (8) Burglary in the second degree under section 569.170;
- 33 (9) Robbery in the first degree under section 569.020;
- 34 (10) Distribution of drugs under section 195.211;
- 35 (11) Distribution of drugs to a minor under section 195.212;
- 36 (12) Arson in the first degree under section 569.040;
- 37 (13) Voluntary manslaughter under section 565.023;
- 38 (14) Involuntary manslaughter under section 565.024;

- 39 (15) Second degree assault under section 565.060;
- 40 (16) [Sexual assault] **Rape in the second degree** under section [566.040] **566.031**;
- 41 (17) Felonious restraint under section 565.120;
- 42 (18) Property damage in the first degree under section 569.100;
- 43 (19) The possession of a weapon under chapter 571;
- 44 (20) Child molestation in the first degree pursuant to section 566.067;
- 45 (21) [Deviate sexual assault] **Sodomy in the second degree** pursuant to section
- 46 [566.070] **566.061**;
- 47 (22) Sexual misconduct involving a child pursuant to section 566.083;
- 48 (23) Sexual abuse **in the first degree** pursuant to section 566.100;
- 49 (24) Harassment under section 565.090; or
- 50 (25) Stalking under section 565.225; committed on school property, including but not
- 51 limited to actions on any school bus in service on behalf of the district or while involved in
- 52 school activities. The policy shall require that any portion of a student's individualized education
- 53 program that is related to demonstrated or potentially violent behavior shall be provided to any
- 54 teacher and other school district employees who are directly responsible for the student's
- 55 education or who otherwise interact with the student on an educational basis while acting within
- 56 the scope of their assigned duties. The policy shall also contain the consequences of failure to
- 57 obey standards of conduct set by the local board of education, and the importance of the
- 58 standards to the maintenance of an atmosphere where orderly learning is possible and
- 59 encouraged.
- 60 3. The policy shall provide that any student who is on suspension for any of the offenses
- 61 listed in subsection 2 of this section or any act of violence or drug-related activity defined by
- 62 school district policy as a serious violation of school discipline pursuant to subsection 9 of this
- 63 section shall have as a condition of his or her suspension the requirement that such student is not
- 64 allowed, while on such suspension, to be within one thousand feet of any school property in the
- 65 school district where such student attended school or any activity of that district, regardless of
- 66 whether or not the activity takes place on district property unless:
- 67 (1) Such student is under the direct supervision of the student's parent, legal guardian,
- 68 or custodian and the superintendent or the superintendent's designee has authorized the student
- 69 to be on school property;
- 70 (2) Such student is under the direct supervision of another adult designated by the
- 71 student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school
- 72 which suspended the student and the superintendent or the superintendent's designee has
- 73 authorized the student to be on school property;

74 (3) Such student is enrolled in and attending an alternative school that is located within
75 one thousand feet of a public school in the school district where such student attended school;
76 or

77 (4) Such student resides within one thousand feet of any public school in the school
78 district where such student attended school in which case such student may be on the property
79 of his or her residence without direct adult supervision.

80 4. Any student who violates the condition of suspension required pursuant to subsection
81 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of
82 sections 167.161, 167.164, and 167.171. In making this determination consideration shall be
83 given to whether the student poses a threat to the safety of any child or school employee and
84 whether such student's unsupervised presence within one thousand feet of the school is disruptive
85 to the educational process or undermines the effectiveness of the school's disciplinary policy.
86 Removal of any pupil who is a student with a disability is subject to state and federal procedural
87 rights. This section shall not limit a school district's ability to:

88 (1) Prohibit all students who are suspended from being on school property or attending
89 an activity while on suspension;

90 (2) Discipline students for off-campus conduct that negatively affects the educational
91 environment to the extent allowed by law.

92 5. The policy shall provide for a suspension for a period of not less than one year, or
93 expulsion, for a student who is determined to have brought a weapon to school, including but
94 not limited to the school playground or the school parking lot, brought a weapon on a school bus
95 or brought a weapon to a school activity whether on or off of the school property in violation of
96 district policy, except that:

97 (1) The superintendent or, in a school district with no high school, the principal of the
98 school which such child attends may modify such suspension on a case-by-case basis; and

99 (2) This section shall not prevent the school district from providing educational services
100 in an alternative setting to a student suspended under the provisions of this section.

101 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined
102 under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a
103 concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife,
104 knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade
105 knife; except that this section shall not be construed to prohibit a school board from adopting a
106 policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for
107 educational purposes so long as the firearm is unloaded. The local board of education shall
108 define weapon in the discipline policy. Such definition shall include the weapons defined in this
109 subsection but may also include other weapons.

110 7. All school district personnel responsible for the care and supervision of students are
111 authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any
112 property of the school, on any school bus going to or returning from school, during
113 school-sponsored activities, or during intermission or recess periods.

114 8. Teachers and other authorized district personnel in public schools responsible for the
115 care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable
116 care by the school district, shall not be civilly liable when acting in conformity with the
117 established policies developed by each board, including but not limited to policies of student
118 discipline or when reporting to his or her supervisor or other person as mandated by state law
119 acts of school violence or threatened acts of school violence, within the course and scope of the
120 duties of the teacher, authorized district personnel or volunteer, when such individual is acting
121 in conformity with the established policies developed by the board. Nothing in this section shall
122 be construed to create a new cause of action against such school district, or to relieve the school
123 district from liability for the negligent acts of such persons.

124 9. Each school board shall define in its discipline policy acts of violence and any other
125 acts that constitute a serious violation of that policy. "Acts of violence" as defined by school
126 boards shall include but not be limited to exertion of physical force by a student with the intent
127 to do serious bodily harm to another person while on school property, including a school bus in
128 service on behalf of the district, or while involved in school activities. School districts shall for
129 each student enrolled in the school district compile and maintain records of any serious violation
130 of the district's discipline policy. Such records shall be made available to teachers and other
131 school district employees with a need to know while acting within the scope of their assigned
132 duties, and shall be provided as required in section 167.020 to any school district in which the
133 student subsequently attempts to enroll.

134 10. Spanking, when administered by certificated personnel and in the presence of a
135 witness who is an employee of the school district, or the use of reasonable force to protect
136 persons or property, when administered by personnel of a school district in a reasonable manner
137 in accordance with the local board of education's written policy of discipline, is not abuse within
138 the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the
139 children's division shall not have jurisdiction over or investigate any report of alleged child abuse
140 arising out of or related to the use of reasonable force to protect persons or property when
141 administered by personnel of a school district or any spanking administered in a reasonable
142 manner by any certificated school personnel in the presence of a witness who is an employee of
143 the school district pursuant to a written policy of discipline established by the board of education
144 of the school district, as long as no allegation of sexual misconduct arises from the spanking or
145 use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall forward the allegation to the children's division within twenty-four hours of receiving the information. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children's division other than reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's

217 division unless and until the alleged child abuse is substantiated by a court of competent
218 jurisdiction.

219 21. Any superintendent of schools, president of a school board or such person's designee
220 or law enforcement officer who knowingly falsifies any report of any matter pursuant to this
221 section or who knowingly withholds any information relative to any investigation or report
222 pursuant to this section is guilty of a class A misdemeanor.

223 22. In order to ensure the safety of all students, should a student be expelled for bringing
224 a weapon to school, violent behavior, or for an act of school violence, that student shall not, for
225 the purposes of the accreditation process of the Missouri school improvement plan, be
226 considered a dropout or be included in the calculation of that district's educational persistence
227 ratio.

167.115. 1. Notwithstanding any provision of chapter 211 or chapter 610 to the contrary,
2 the juvenile officer, sheriff, chief of police or other appropriate law enforcement authority shall,
3 as soon as reasonably practical, notify the superintendent, or the superintendent's designee, of
4 the school district in which the pupil is enrolled when a petition is filed pursuant to subsection
5 1 of section 211.031 alleging that the pupil has committed one of the following acts:

- 6 (1) First degree murder under section 565.020;
- 7 (2) Second degree murder under section 565.021;
- 8 (3) Kidnapping under section 565.110;
- 9 (4) First degree assault under section 565.050;
- 10 (5) [Forcible] Rape **in the first degree** under section 566.030;
- 11 (6) [Forcible] Sodomy **in the first degree** under section 566.060;
- 12 (7) Burglary in the first degree under section 569.160;
- 13 (8) Robbery in the first degree under section 569.020;
- 14 (9) Distribution of drugs under section 195.211;
- 15 (10) Distribution of drugs to a minor under section 195.212;
- 16 (11) Arson in the first degree under section 569.040;
- 17 (12) Voluntary manslaughter under section 565.023;
- 18 (13) Involuntary manslaughter under section 565.024;
- 19 (14) Second degree assault under section 565.060;
- 20 (15) [Sexual assault] **Rape in the second degree** under section [566.040] **566.031**;
- 21 (16) Felonious restraint under section 565.120;
- 22 (17) Property damage in the first degree under section 569.100;
- 23 (18) The possession of a weapon under chapter 571;
- 24 (19) Child molestation in the first degree pursuant to section 566.067;

25 (20) [Deviate sexual assault] **Sodomy in the second degree** pursuant to section
26 [566.070] **566.061**;

27 (21) Sexual misconduct involving a child pursuant to section 566.083; or

28 (22) Sexual abuse **in the first degree** pursuant to section 566.100.

29 2. The notification shall be made orally or in writing, in a timely manner, no later than
30 five days following the filing of the petition. If the report is made orally, written notice shall
31 follow in a timely manner. The notification shall include a complete description of the conduct
32 the pupil is alleged to have committed and the dates the conduct occurred but shall not include
33 the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting
34 attorney or their designee shall send a second notification to the superintendent providing the
35 disposition of the case, including a brief summary of the relevant finding of facts, no later than
36 five days following the disposition of the case.

37 3. The superintendent or the designee of the superintendent shall report such information
38 to teachers and other school district employees with a need to know while acting within the scope
39 of their assigned duties. Any information received by school district officials pursuant to this
40 section shall be received in confidence and used for the limited purpose of assuring that good
41 order and discipline is maintained in the school. This information shall not be used as the sole
42 basis for not providing educational services to a public school pupil.

43 4. The superintendent shall notify the appropriate division of the juvenile or family court
44 upon any pupil's suspension for more than ten days or expulsion of any pupil that the school
45 district is aware is under the jurisdiction of the court.

46 5. The superintendent or the superintendent's designee may be called to serve in a
47 consultant capacity at any dispositional proceedings pursuant to section 211.031 which may
48 involve reference to a pupil's academic treatment plan.

49 6. Upon the transfer of any pupil described in this section to any other school district in
50 this state, the superintendent or the superintendent's designee shall forward the written
51 notification given to the superintendent pursuant to subsection 2 of this section to the
52 superintendent of the new school district in which the pupil has enrolled. Such written
53 notification shall be required again in the event of any subsequent transfer by the pupil.

54 7. As used in this section, the terms "school" and "school district" shall include any
55 charter, private or parochial school or school district, and the term "superintendent" shall include
56 the principal or equivalent chief school officer in the cases of charter, private or parochial
57 schools.

58 8. The superintendent or the designee of the superintendent or other school employee
59 who, in good faith, reports information in accordance with the terms of this section and section
60 160.261 shall not be civilly liable for providing such information.

167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

(1) The pupil shall be given oral or written notice of the charges against such pupil;

(2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;

(3) The pupil shall be given an opportunity to present such pupil's version of the incident; and

(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261 regardless of whether or not such act was committed at a public school or at a private school in this state, provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school, or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that school or district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care,

37 custody or control of the pupil. The school board shall notify in writing the parents or guardians
38 and all other parties of the time, place, and agenda of any such conference. Failure of any party
39 to attend this conference shall not preclude holding the conference. Notwithstanding any
40 provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular
41 program of instruction if:

42 (1) Such pupil has been convicted of; or

43 (2) An indictment or information has been filed alleging that the pupil has committed
44 one of the acts enumerated in subdivision (4) of this subsection to which there has been no final
45 judgment; or

46 (3) A petition has been filed pursuant to section 211.091 alleging that the pupil has
47 committed one of the acts enumerated in subdivision (4) of this subsection to which there has
48 been no final judgment; or

49 (4) The pupil has been adjudicated to have committed an act which if committed by an
50 adult would be one of the following:

51 (a) First degree murder under section 565.020;

52 (b) Second degree murder under section 565.021;

53 (c) First degree assault under section 565.050;

54 (d) [Forcible] Rape **in the first degree** under section 566.030;

55 (e) [Forcible] Sodomy **in the first degree** under section 566.060;

56 (f) Statutory rape under section 566.032;

57 (g) Statutory sodomy under section 566.062;

58 (h) Robbery in the first degree under section 569.020;

59 (i) Distribution of drugs to a minor under section 195.212;

60 (j) Arson in the first degree under section 569.040;

61 (k) Kidnapping, when classified as a class A felony under section 565.110. Nothing in
62 this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been
63 dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the
64 above acts. This subsection shall not apply to a student with a disability, as identified under state
65 eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the
66 student's disability. Nothing in this subsection shall be construed to prohibit a school district
67 which provides an alternative education program from enrolling a pupil in an alternative
68 education program if the district determines such enrollment is appropriate.

69 4. If a pupil is attempting to enroll in a school district during a suspension or expulsion
70 from another in-state or out-of-state school district including a private, charter or parochial
71 school or school district, a conference with the superintendent or the superintendent's designee
72 may be held at the request of the parent, court-appointed legal guardian, someone acting as a

73 parent as defined by rule in the case of a special education student, or the pupil to consider if the
74 conduct of the pupil would have resulted in a suspension or expulsion in the district in which the
75 pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee
76 that such conduct would have resulted in a suspension or expulsion in the district in which the
77 pupil is enrolling or attempting to enroll, the school district may make such suspension or
78 expulsion from another school or district effective in the district in which the pupil is enrolling
79 or attempting to enroll. Upon a determination by the superintendent or the superintendent's
80 designee that such conduct would not have resulted in a suspension or expulsion in the district
81 in which the student is enrolling or attempting to enroll, the school district shall not make such
82 suspension or expulsion effective in its district in which the student is enrolling or attempting
83 to enroll.

168.071. 1. The state board of education may refuse to issue or renew a certificate, or
2 may, upon hearing, discipline the holder of a certificate of license to teach for the following
3 causes:

4 (1) A certificate holder or applicant for a certificate has pleaded to or been found guilty
5 of a felony or crime involving moral turpitude under the laws of this state, any other state, of the
6 United States, or any other country, whether or not sentence is imposed;

7 (2) The certification was obtained through use of fraud, deception, misrepresentation or
8 bribery;

9 (3) There is evidence of incompetence, immorality, or neglect of duty by the certificate
10 holder;

11 (4) A certificate holder has been subject to disciplinary action relating to certification
12 issued by another state, territory, federal agency, or country upon grounds for which discipline
13 is authorized in this section; or

14 (5) If charges are filed by the local board of education, based upon the annulling of a
15 written contract with the local board of education, for reasons other than election to the general
16 assembly, without the consent of the majority of the members of the board that is a party to the
17 contract.

18 2. A public school district may file charges seeking the discipline of a holder of a
19 certificate of license to teach based upon any cause or combination of causes outlined in
20 subsection 1 of this section, including annulment of a written contract. Charges shall be in
21 writing, specify the basis for the charges, and be signed by the chief administrative officer of the
22 district, or by the president of the board of education as authorized by a majority of the board of
23 education. The board of education may also petition the office of the attorney general to file
24 charges on behalf of the school district for any cause other than annulment of contract, with
25 acceptance of the petition at the discretion of the attorney general.

26 3. The department of elementary and secondary education may file charges seeking the
27 discipline of a holder of a certificate of license to teach based upon any cause or combination of
28 causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall
29 be in writing, specify the basis for the charges, and be signed by legal counsel representing the
30 department of elementary and secondary education.

31 4. If the underlying conduct or actions which are the basis for charges filed pursuant to
32 this section are also the subject of a pending criminal charge against the person holding such
33 certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel
34 under the fifth amendment of the Constitution of the United States. Based upon such a request,
35 no hearing shall be held until after a trial has been completed on this criminal charge.

36 5. The certificate holder shall be given not less than thirty days' notice of any hearing
37 held pursuant to this section.

38 6. Other provisions of this section notwithstanding, the certificate of license to teach
39 shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate
40 holder or applicant has pleaded guilty to or been found guilty of any of the following offenses
41 established pursuant to Missouri law or offenses of a similar nature established under the laws
42 of **Missouri prior to August 28, 2012**, any other state or of the United States, or any other
43 country, whether or not the sentence is imposed:

44 (1) Any dangerous felony as defined in section 556.061, or murder in the first degree
45 under section 565.020;

46 (2) Any of the following sexual offenses: rape **in the first degree** under section
47 566.030; statutory rape in the first degree under section 566.032; statutory rape in the second
48 degree under section 566.034; [sexual assault] **rape in the second degree** under section
49 [566.040; forcible] **566.031**; sodomy **in the first degree** under section 566.060; statutory
50 sodomy in the first degree under section 566.062; statutory sodomy in the second degree under
51 section 566.064; child molestation in the first degree under section 566.067; child molestation
52 in the second degree under section 566.068; [deviate sexual assault under section 566.070]
53 **sodomy in the second degree under section 566.061; child molestation in the third degree**
54 **under section 566.069; child molestation in the fourth degree under section 566.071**; sexual
55 misconduct involving a child under section 566.083; sexual contact with a student [while on
56 public school property] under section 566.086; sexual [misconduct in the first degree] **abuse in**
57 **the second degree** under section 566.090; sexual misconduct in the [second] **first** degree under
58 section 566.093; sexual misconduct in the [third] **second** degree under section 566.095; sexual
59 abuse **in the first degree** under section 566.100; enticement of a child under section 566.151;
60 or attempting to entice a child;

61 (3) Any of the following offenses against the family and related offenses: incest under
62 section 568.020; abandonment of child in the first degree under section 568.030; abandonment
63 of child in the second degree under section 568.032; endangering the welfare of a child in the
64 first degree under section 568.045; abuse of a child under section 568.060; child used in a sexual
65 performance under section [568.080] **573.200**; promoting sexual performance by a child under
66 section [568.090] **573.205**; or trafficking in children under section 568.175; and

67 (4) Any of the following offenses involving child pornography and related offenses:
68 promoting obscenity in the first degree under section 573.020; promoting **pornography for**
69 **minors or** obscenity in the second degree when the penalty is enhanced to a class [D] E felony
70 under section 573.030; promoting child pornography in the first degree under section 573.025;
71 promoting child pornography in the second degree under section 573.035; possession of child
72 pornography under section 573.037; furnishing pornographic materials to minors under section
73 573.040; or coercing acceptance of obscene material under section 573.065.

74 7. When a certificate holder pleads guilty or is found guilty of any offense that would
75 authorize the state board of education to seek discipline against that holder's certificate of license
76 to teach, the local board of education or the department of elementary and secondary education
77 shall immediately provide written notice to the state board of education and the attorney general
78 regarding the plea of guilty or finding of guilty.

79 8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this
80 section may appeal such revocation to the state board of education. Notice of this appeal must
81 be received by the commissioner of education within ninety days of notice of revocation pursuant
82 to this subsection. Failure of the certificate holder to notify the commissioner of the intent to
83 appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent
84 to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner
85 of education, with the final decision made by the state board of education, based upon the record
86 of that hearing. The certificate holder shall be given not less than thirty days' notice of the
87 hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

88 9. In the case of any certificate holder who has surrendered or failed to renew his or her
89 certificate of license to teach, the state board of education may refuse to issue or renew, or may
90 suspend or revoke, such certificate for any of the reasons contained in this section.

91 10. In those cases where the charges filed pursuant to this section are based upon an
92 allegation of misconduct involving a minor child, the hearing officer may accept into the record
93 the sworn testimony of the minor child relating to the misconduct received in any court or
94 administrative hearing.

95 11. Hearings, appeals or other matters involving certificate holders, licensees or
96 applicants pursuant to this section may be informally resolved by consent agreement or agreed

97 settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated
98 by the state board of education.

99 12. The final decision of the state board of education is subject to judicial review
100 pursuant to sections 536.100 to 536.140.

101 13. A certificate of license to teach to an individual who has been convicted of a felony
102 or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only
103 upon motion of the state board of education adopted by a unanimous affirmative vote of those
104 members present and voting.

188.023. Any licensed health care professional who delivers a baby or performs an
2 abortion, who has prima facie evidence that a patient has been the victim of statutory rape in the
3 first degree or statutory rape in the second degree, or if the patient is under the age of eighteen,
4 that he or she has been a victim of sexual abuse, including [forcible rape, sexual assault] **rape**
5 **in the first or second degree**, or incest, shall be required to report such offenses in the same
6 manner as provided for by section 210.115.

188.030. 1. Except in the case of a medical emergency, no abortion of a viable unborn
2 child shall be performed or induced unless the abortion is necessary to preserve the life of the
3 pregnant woman whose life is endangered by a physical disorder, physical illness, or physical
4 injury, including a life-endangering physical condition caused by or arising from the pregnancy
5 itself, or when continuation of the pregnancy will create a serious risk of substantial and
6 irreversible physical impairment of a major bodily function of the pregnant woman. For
7 purposes of this section, "major bodily function" includes, but is not limited to, functions of the
8 immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory,
9 circulatory, endocrine, and reproductive functions.

10 2. Except in the case of a medical emergency:

11 (1) Prior to performing or inducing an abortion upon a woman, the physician shall
12 determine the gestational age of the unborn child in a manner consistent with accepted obstetrical
13 and neonatal practices and standards. In making such determination, the physician shall make
14 such inquiries of the pregnant woman and perform or cause to be performed such medical
15 examinations, imaging studies, and tests as a reasonably prudent physician, knowledgeable about
16 the medical facts and conditions of both the woman and the unborn child involved, would
17 consider necessary to perform and consider in making an accurate diagnosis with respect to
18 gestational age;

19 (2) If the physician determines that the gestational age of the unborn child is twenty
20 weeks or more, prior to performing or inducing an abortion upon the woman, the physician shall
21 determine if the unborn child is viable by using and exercising that degree of care, skill, and
22 proficiency commonly exercised by a skillful, careful, and prudent physician. In making this

23 determination of viability, the physician shall perform or cause to be performed such medical
24 examinations and tests as are necessary to make a finding of the gestational age, weight, and lung
25 maturity of the unborn child and shall enter such findings and determination of viability in the
26 medical record of the woman;

27 (3) If the physician determines that the gestational age of the unborn child is twenty
28 weeks or more, and further determines that the unborn child is not viable and performs or
29 induces an abortion upon the woman, the physician shall report such findings and determinations
30 and the reasons for such determinations to the health care facility in which the abortion is
31 performed and to the state board of registration for the healing arts, and shall enter such findings
32 and determinations in the medical records of the woman and in the individual abortion report
33 submitted to the department under section 188.052;

34 (4) (a) If the physician determines that the unborn child is viable, the physician shall not
35 perform or induce an abortion upon the woman unless the abortion is necessary to preserve the
36 life of the pregnant woman or that a continuation of the pregnancy will create a serious risk of
37 substantial and irreversible physical impairment of a major bodily function of the woman.

38 (b) Before a physician may proceed with performing or inducing an abortion upon a
39 woman when it has been determined that the unborn child is viable, the physician shall first
40 certify in writing the medical threat posed to the life of the pregnant woman, or the medical
41 reasons that continuation of the pregnancy would cause a serious risk of substantial and
42 irreversible physical impairment of a major bodily function of the pregnant woman. Upon
43 completion of the abortion, the physician shall report the reasons and determinations for the
44 abortion of a viable unborn child to the health care facility in which the abortion is performed
45 and to the state board of registration for the healing arts, and shall enter such findings and
46 determinations in the medical record of the woman and in the individual abortion report
47 submitted to the department under section 188.052.

48 (c) Before a physician may proceed with performing or inducing an abortion upon a
49 woman when it has been determined that the unborn child is viable, the physician who is to
50 perform the abortion shall obtain the agreement of a second physician with knowledge of
51 accepted obstetrical and neonatal practices and standards who shall concur that the abortion is
52 necessary to preserve the life of the pregnant woman, or that continuation of the pregnancy
53 would cause a serious risk of substantial and irreversible physical impairment of a major bodily
54 function of the pregnant woman. This second physician shall also report such reasons and
55 determinations to the health care facility in which the abortion is to be performed and to the state
56 board of registration for the healing arts, and shall enter such findings and determinations in the
57 medical record of the woman and the individual abortion report submitted to the department
58 under section 188.052. The second physician shall not have any legal or financial affiliation or

59 relationship with the physician performing or inducing the abortion, except that such prohibition
60 shall not apply to physicians whose legal or financial affiliation or relationship is a result of
61 being employed by or having staff privileges at the same hospital as the term "hospital" is
62 defined in section 197.020.

63 (d) Any physician who performs or induces an abortion upon a woman when it has been
64 determined that the unborn child is viable shall utilize the available method or technique of
65 abortion most likely to preserve the life or health of the unborn child. In cases where the method
66 or technique of abortion most likely to preserve the life or health of the unborn child would
67 present a greater risk to the life or health of the woman than another legally permitted and
68 available method or technique, the physician may utilize such other method or technique. In all
69 cases where the physician performs an abortion upon a viable unborn child, the physician shall
70 certify in writing the available method or techniques considered and the reasons for choosing the
71 method or technique employed.

72 (e) No physician shall perform or induce an abortion upon a woman when it has been
73 determined that the unborn child is viable unless there is in attendance a physician other than the
74 physician performing or inducing the abortion who shall take control of and provide immediate
75 medical care for a child born as a result of the abortion. During the performance of the abortion,
76 the physician performing it, and subsequent to the abortion, the physician required to be in
77 attendance, shall take all reasonable steps in keeping with good medical practice, consistent with
78 the procedure used, to preserve the life or health of the viable unborn child; provided that it does
79 not pose an increased risk to the life of the woman or does not pose an increased risk of
80 substantial and irreversible physical impairment of a major bodily function of the woman.

81 3. Any person who knowingly performs or induces an abortion of an unborn child in
82 violation of the provisions of this section is guilty of a class [C] **D** felony, and, upon a finding
83 of guilt or plea of guilty, shall be imprisoned for a term of not less than one year, and,
84 notwithstanding the provisions of section 560.011, shall be fined not less than ten thousand nor
85 more than fifty thousand dollars.

86 4. Any physician who pleads guilty to or is found guilty of performing or inducing an
87 abortion of an unborn child in violation of this section shall be subject to suspension or
88 revocation of his or her license to practice medicine in the state of Missouri by the state board
89 of registration for the healing arts under the provisions of sections 334.100 and 334.103.

90 5. Any hospital licensed in the state of Missouri that knowingly allows an abortion of
91 an unborn child to be performed or induced in violation of this section may be subject to
92 suspension or revocation of its license under the provisions of section 197.070.

93 6. Any ambulatory surgical center licensed in the state of Missouri that knowingly allows
94 an abortion of an unborn child to be performed or induced in violation of this section may be
95 subject to suspension or revocation of its license under the provisions of section 197.220.

96 7. A woman upon whom an abortion is performed or induced in violation of this section
97 shall not be prosecuted for a conspiracy to violate the provisions of this section.

98 8. Nothing in this section shall be construed as creating or recognizing a right to
99 abortion, nor is it the intention of this section to make lawful any abortion that is currently
100 unlawful.

101 9. It is the intent of the legislature that this section be severable as noted in section 1.140.
102 In the event that any section, subsection, subdivision, paragraph, sentence, or clause of this
103 section be declared invalid under the Constitution of the United States or the Constitution of the
104 State of Missouri, it is the intent of the legislature that the remaining provisions of this section
105 remain in force and effect as far as capable of being carried into execution as intended by the
106 legislature.

107 10. The general assembly may, by concurrent resolution, appoint one or more of its
108 members who sponsored or co-sponsored this act in his or her official capacity to intervene as
109 a matter of right in any case in which the constitutionality of this law is challenged.

190.621. 1. Any person who knowingly conceals, cancels, defaces, or obliterates the
2 outside the hospital do-not-resuscitate order or the outside the hospital do-not-resuscitate
3 identification of another person without the consent of the other person, or who knowingly
4 falsifies or forges a revocation of the outside the hospital do-not-resuscitate order or the outside
5 the hospital do-not-resuscitate identification of another person, is guilty of a class A
6 misdemeanor.

7 2. Any person who knowingly executes, falsifies, or forges an outside the hospital
8 do-not-resuscitate order or an outside the hospital do-not-resuscitate identification of another
9 person without the consent of the other person, or who knowingly conceals or withholds personal
10 knowledge of a revocation of an outside the hospital do-not-resuscitate order or an outside the
11 hospital do-not-resuscitate identification of another person, is guilty of a class [D] E felony.

191.905. 1. No health care provider shall knowingly make or cause to be made a false
2 statement or false representation of a material fact in order to receive a health care payment,
3 including but not limited to:

4 (1) Knowingly presenting to a health care payer a claim for a health care payment that
5 falsely represents that the health care for which the health care payment is claimed was medically
6 necessary, if in fact it was not;

7 (2) Knowingly concealing the occurrence of any event affecting an initial or continued
8 right under a medical assistance program to have a health care payment made by a health care
9 payer for providing health care;

10 (3) Knowingly concealing or failing to disclose any information with the intent to obtain
11 a health care payment to which the health care provider or any other health care provider is not
12 entitled, or to obtain a health care payment in an amount greater than that which the health care
13 provider or any other health care provider is entitled;

14 (4) Knowingly presenting a claim to a health care payer that falsely indicates that any
15 particular health care was provided to a person or persons, if in fact health care of lesser value
16 than that described in the claim was provided.

17 2. No person shall knowingly solicit or receive any remuneration, including any
18 kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind in return
19 for:

20 (1) Referring another person to a health care provider for the furnishing or arranging for
21 the furnishing of any health care; or

22 (2) Purchasing, leasing, ordering or arranging for or recommending purchasing, leasing
23 or ordering any health care.

24 3. No person shall knowingly offer or pay any remuneration, including any kickback,
25 bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind, to any person to
26 induce such person to refer another person to a health care provider for the furnishing or
27 arranging for the furnishing of any health care.

28 4. Subsections 2 and 3 of this section shall not apply to a discount or other reduction in
29 price obtained by a health care provider if the reduction in price is properly disclosed and
30 appropriately reflected in the claim made by the health care provider to the health care payer, or
31 any amount paid by an employer to an employee for employment in the provision of health care.

32 5. Exceptions to the provisions of subsections 2 and 3 of this subsection shall be
33 provided for as authorized in 42 U.S.C. Section 1320a-7b(3)(E), as may be from time to time
34 amended, and regulations promulgated pursuant thereto.

35 6. No person shall knowingly abuse a person receiving health care.

36 7. A person who violates subsections 1 to 3 of this section is guilty of a class [C] **D**
37 felony upon his or her first conviction, and shall be guilty of a class B felony upon his or her
38 second and subsequent convictions. Any person who has been convicted of such violations shall
39 be referred to the Office of Inspector General within the United States Department of Health and
40 Human Services. The person so referred shall be subject to the penalties provided for under 42
41 U.S.C. Chapter 7, Subchapter XI, Section 1320a-7. A prior conviction shall be pleaded and
42 proven as provided by section 558.021. A person who violates subsection 6 of this section shall

43 be guilty of a class [C] **D** felony, unless the act involves no physical, sexual or emotional harm
44 or injury and the value of the property involved is less than five hundred dollars, in which event
45 a violation of subsection 6 of this section is a class A misdemeanor.

46 8. Any natural person who willfully prevents, obstructs, misleads, delays, or attempts to
47 prevent, obstruct, mislead, or delay the communication of information or records relating to a
48 violation of sections 191.900 to 191.910 is guilty of a class [D] **E** felony.

49 9. Each separate false statement or false representation of a material fact proscribed by
50 subsection 1 of this section or act proscribed by subsection 2 or 3 of this section shall constitute
51 a separate offense and a separate violation of this section, whether or not made at the same or
52 different times, as part of the same or separate episodes, as part of the same scheme or course
53 of conduct, or as part of the same claim.

54 10. In a prosecution pursuant to subsection 1 of this section, circumstantial evidence may
55 be presented to demonstrate that a false statement or claim was knowingly made. Such evidence
56 of knowledge may include but shall not be limited to the following:

57 (1) A claim for a health care payment submitted with the health care provider's actual,
58 facsimile, stamped, typewritten or similar signature on the claim for health care payment;

59 (2) A claim for a health care payment submitted by means of computer billing tapes or
60 other electronic means;

61 (3) A course of conduct involving other false claims submitted to this or any other health
62 care payer.

63 11. Any person convicted of a violation of this section, in addition to any fines, penalties
64 or sentences imposed by law, shall be required to make restitution to the federal and state
65 governments, in an amount at least equal to that unlawfully paid to or by the person, and shall
66 be required to reimburse the reasonable costs attributable to the investigation and prosecution
67 pursuant to sections 191.900 to 191.910. All of such restitution shall be paid and deposited to
68 the credit of the "MO HealthNet Fraud Reimbursement Fund", which is hereby established in
69 the state treasury. Moneys in the MO HealthNet fraud reimbursement fund shall be divided and
70 appropriated to the federal government and affected state agencies in order to refund moneys
71 falsely obtained from the federal and state governments. All of such cost reimbursements
72 attributable to the investigation and prosecution shall be paid and deposited to the credit of the
73 "MO HealthNet Fraud Prosecution Revolving Fund", which is hereby established in the state
74 treasury. Moneys in the MO HealthNet fraud prosecution revolving fund may be appropriated
75 to the attorney general, or to any prosecuting or circuit attorney who has successfully prosecuted
76 an action for a violation of sections 191.900 to 191.910 and been awarded such costs of
77 prosecution, in order to defray the costs of the attorney general and any such prosecuting or
78 circuit attorney in connection with their duties provided by sections 191.900 to 191.910. No

79 moneys shall be paid into the MO HealthNet fraud protection revolving fund pursuant to this
80 subsection unless the attorney general or appropriate prosecuting or circuit attorney shall have
81 commenced a prosecution pursuant to this section, and the court finds in its discretion that
82 payment of attorneys' fees and investigative costs is appropriate under all the circumstances, and
83 the attorney general and prosecuting or circuit attorney shall prove to the court those expenses
84 which were reasonable and necessary to the investigation and prosecution of such case, and the
85 court approves such expenses as being reasonable and necessary. Any moneys remaining in the
86 MO HealthNet fraud reimbursement fund after division and appropriation to the federal
87 government and affected state agencies shall be used to increase MO HealthNet provider
88 reimbursement until it is at least one hundred percent of the Medicare provider reimbursement
89 rate for comparable services. The provisions of section 33.080 notwithstanding, moneys in the
90 MO HealthNet fraud prosecution revolving fund shall not lapse at the end of the biennium.

91 12. A person who violates subsections 1 to 3 of this section shall be liable for a civil
92 penalty of not less than five thousand dollars and not more than ten thousand dollars for each
93 separate act in violation of such subsections, plus three times the amount of damages which the
94 state and federal government sustained because of the act of that person, except that the court
95 may assess not more than two times the amount of damages which the state and federal
96 government sustained because of the act of the person, if the court finds:

97 (1) The person committing the violation of this section furnished personnel employed
98 by the attorney general and responsible for investigating violations of sections 191.900 to
99 191.910 with all information known to such person about the violation within thirty days after
100 the date on which the defendant first obtained the information;

101 (2) Such person fully cooperated with any government investigation of such violation;
102 and

103 (3) At the time such person furnished the personnel of the attorney general with the
104 information about the violation, no criminal prosecution, civil action, or administrative action
105 had commenced with respect to such violation, and the person did not have actual knowledge
106 of the existence of an investigation into such violation.

107 13. Upon conviction pursuant to this section, the prosecution authority shall provide
108 written notification of the conviction to all regulatory or disciplinary agencies with authority over
109 the conduct of the defendant health care provider.

110 14. The attorney general may bring a civil action against any person who shall receive
111 a health care payment as a result of a false statement or false representation of a material fact
112 made or caused to be made by that person. The person shall be liable for up to double the
113 amount of all payments received by that person based upon the false statement or false
114 representation of a material fact, and the reasonable costs attributable to the prosecution of the

115 civil action. All such restitution shall be paid and deposited to the credit of the MO HealthNet
116 fraud reimbursement fund, and all such cost reimbursements shall be paid and deposited to the
117 credit of the MO HealthNet fraud prosecution revolving fund. No reimbursement of such costs
118 attributable to the prosecution of the civil action shall be made or allowed except with the
119 approval of the court having jurisdiction of the civil action. No civil action provided by this
120 subsection shall be brought if restitution and civil penalties provided by subsections 11 and 12
121 of this section have been previously ordered against the person for the same cause of action.

122 15. Any person who discovers a violation by himself or herself or such person's
123 organization and who reports such information voluntarily before such information is public or
124 known to the attorney general shall not be prosecuted for a criminal violation.

191.914. 1. Any person who intentionally files a false report or claim alleging a
2 violation of sections 191.900 to 191.910 is guilty of a class A misdemeanor. Any second or
3 subsequent violation of this section is a class [D] E felony and shall be punished as provided by
4 law.

5 2. Any person who receives any compensation in exchange for knowingly failing to
6 report any violation of subsections 1 to 3 of section 191.905 is guilty of a class [D] E felony.

193.315. 1. Any person who knowingly makes any false statement in a certificate,
2 record, or report required by sections 193.005 to 193.325 or in an application for an amendment
3 thereof, or in an application for a certified copy of a vital record, or who knowingly supplies false
4 information intending that such information be used in the preparation of any such report, record,
5 or certificate, or amendment thereof shall be guilty of a class [D] E felony.

6 2. Any person who, without lawful authority and with the intent to deceive, makes,
7 counterfeits, alters, amends, or mutilates any certificate, record, or report required by sections
8 193.005 to 193.325, certified copy of such certificate, record, or report shall be guilty of a class
9 [D] E felony.

10 3. Any person who knowingly obtains, possesses, uses, sells, furnishes or attempts to
11 obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate,
12 record, or report required by sections 193.005 to 193.325 or certified copy thereof so made,
13 counterfeited, altered, amended, or mutilated, or which is false in whole or in part or which
14 relates to the birth of another person, whether living or deceased, shall be guilty of a class [D]
15 E felony.

16 4. Any employee of the department or involved with the system of vital statistics who
17 knowingly furnishes or processes a certificate of birth, or certified copy of a certificate of birth,
18 with the knowledge or intention that it be used for the purposes of deception shall be guilty of
19 a class [D] E felony.

20 5. Any person who without lawful authority possesses any certificate, record, or report,
21 required by sections 193.005 to 193.325 or a copy or certified copy of such certificate, record,
22 or report knowing same to have been stolen, or otherwise unlawfully obtained, shall be guilty
23 of a class [D] E felony.

24 6. Any person who knowingly refuses to provide information required by sections
25 193.005 to 193.325, or regulations adopted hereunder, shall be guilty of a class A misdemeanor.

26 7. Any person who knowingly neglects or violates any of the provisions of sections
27 193.005 to 193.325 or refuses to perform any of the duties imposed upon him by sections
28 193.005 to 193.325 shall be guilty of a class A misdemeanor.

 194.410. 1. Any person, corporation, partnership, proprietorship, or organization who
2 knowingly disturbs, destroys, vandalizes, or damages a marked or unmarked human burial site
3 commits a class [D] E felony.

4 2. Any person who knowingly appropriates for profit, uses for profit, sells, purchases or
5 transports for sale or profit any human remains without the right of possession to those remains
6 as provided in sections 194.400 to 194.410 commits a class A misdemeanor and, in the case of
7 a second or subsequent violation, commits a class [D] E felony.

8 3. Any person who knowingly appropriates for profit, uses for profit, sells, purchases or
9 transports for sale or profit any cultural items obtained in violation of sections 194.400 to
10 194.410 commits a class A misdemeanor and, in the case of a second or subsequent violation,
11 commits a class [D] E felony.

 194.425. 1. A person commits the crime of abandonment of a corpse if that person
2 abandons, disposes, deserts or leaves a corpse without properly reporting the location of the body
3 to the proper law enforcement officials in that county.

4 2. Abandonment of a corpse is a class [D] E felony.

 195.005. [Sections 195.005 to 195.425] **This chapter and chapter 579** shall be known
2 as the "Comprehensive Drug Control Act [of 1989]".

 195.010. The following words and phrases as used in [sections 195.005 to 195.425] **this**
2 **chapter and chapter 579**, unless the context otherwise requires, mean:

3 (1) "Addict", a person who habitually uses one or more controlled substances to such an
4 extent as to create a tolerance for such drugs, and who does not have a medical need for such
5 drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control
6 with reference to his **or her** addiction;

7 (2) "Administer", to apply a controlled substance, whether by injection, inhalation,
8 ingestion, or any other means, directly to the body of a patient or research subject by:

9 (a) A practitioner (or, in his **or her** presence, by his **or her** authorized agent); or

10 (b) The patient or research subject at the direction and in the presence of the practitioner;

11 (3) "Agent", an authorized person who acts on behalf of or at the direction of a
12 manufacturer, distributor, or dispenser. The term does not include a common or contract carrier,
13 public warehouseman, or employee of the carrier or warehouseman while acting in the usual and
14 lawful course of the carrier's or warehouseman's business;

15 (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general
16 authorized to investigate, commence and prosecute an action under [sections 195.005 to 195.425]
17 **this chapter**;

18 (5) "Controlled substance", a drug, substance, or immediate precursor in Schedules I
19 through V listed in [sections 195.005 to 195.425] **this chapter**;

20 (6) "Controlled substance analogue", a substance the chemical structure of which is
21 substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

22 (a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous
23 system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central
24 nervous system of a controlled substance included in Schedule I or II; or

25 (b) With respect to a particular individual, which that individual represents or intends
26 to have a stimulant, depressant, or hallucinogenic effect on the central nervous system
27 substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous
28 system of a controlled substance included in Schedule I or II. The term does not include a
29 controlled substance; any substance for which there is an approved new drug application; any
30 substance for which an exemption is in effect for investigational use, for a particular person,
31 under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent
32 conduct with respect to the substance is pursuant to the exemption; or any substance to the extent
33 not intended for human consumption before such an exemption takes effect with respect to the
34 substance;

35 (7) "Counterfeit substance", a controlled substance which, or the container or labeling
36 of which, without authorization, bears the trademark, trade name, or other identifying mark,
37 imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser
38 other than the person who in fact manufactured, distributed, or dispensed the substance;

39 (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one
40 person to another of drug paraphernalia or of a controlled substance, or an imitation controlled
41 substance, whether or not there is an agency relationship, and includes a sale;

42 (9) "Dentist", a person authorized by law to practice dentistry in this state;

43 (10) "Depressant or stimulant substance":

44 (a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid
45 or any derivative of barbituric acid which has been designated by the United States Secretary of
46 Health and Human Services as habit forming under 21 U.S.C. 352(d);

- 47 (b) A drug containing any quantity of:
48 a. Amphetamine or any of its isomers;
49 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or
50 c. Any substance the United States Attorney General, after investigation, has found to
51 be, and by regulation designated as, habit forming because of its stimulant effect on the central
52 nervous system;
- 53 (c) Lysergic acid diethylamide; or
- 54 (d) Any drug containing any quantity of a substance that the United States Attorney
55 General, after investigation, has found to have, and by regulation designated as having, a
56 potential for abuse because of its depressant or stimulant effect on the central nervous system or
57 its hallucinogenic effect;
- 58 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user
59 or research subject by or pursuant to the lawful order of a practitioner including the prescribing,
60 administering, packaging, labeling, or compounding necessary to prepare the substance for such
61 delivery. "Dispenser" means a practitioner who dispenses;
- 62 (12) "Distribute", to deliver other than by administering or dispensing a controlled
63 substance;
- 64 (13) "Distributor", a person who distributes;
- 65 (14) "Drug":
66 (a) Substances recognized as drugs in the official United States Pharmacopoeia, Official
67 Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any
68 supplement to any of them;
- 69 (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or
70 prevention of disease in humans or animals;
- 71 (c) Substances, other than food, intended to affect the structure or any function of the
72 body of humans or animals; and
- 73 (d) Substances intended for use as a component of any article specified in this
74 subdivision. It does not include devices or their components, parts or accessories;
- 75 (15) "Drug-dependent person", a person who is using a controlled substance and who
76 is in a state of psychic or physical dependence, or both, arising from the use of such substance
77 on a continuous basis. Drug dependence is characterized by behavioral and other responses
78 which include a strong compulsion to take the substance on a continuous basis in order to
79 experience its psychic effects or to avoid the discomfort caused by its absence;
- 80 (16) "Drug enforcement agency", the Drug Enforcement Administration in the United
81 States Department of Justice, or its successor agency;

82 (17) "Drug paraphernalia", all equipment, products, substances and materials of any kind
83 which are used, intended for use, or designed for use, in planting, propagating, cultivating,
84 growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing,
85 storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the
86 human body a controlled substance or an imitation controlled substance in violation of [sections
87 195.005 to 195.425] **this chapter**. It includes, but is not limited to:

88 (a) Kits used, intended for use, or designed for use in planting, propagating, cultivating,
89 growing or harvesting of any species of plant which is a controlled substance or from which a
90 controlled substance can be derived;

91 (b) Kits used, intended for use, or designed for use in manufacturing, compounding,
92 converting, producing, processing, or preparing controlled substances or imitation controlled
93 substances;

94 (c) Isomerization devices used, intended for use, or designed for use in increasing the
95 potency of any species of plant which is a controlled substance or an imitation controlled
96 substance;

97 (d) Testing equipment used, intended for use, or designed for use in identifying, or in
98 analyzing the strength, effectiveness or purity of controlled substances or imitation controlled
99 substances;

100 (e) Scales and balances used, intended for use, or designed for use in weighing or
101 measuring controlled substances or imitation controlled substances;

102 (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose
103 and lactose, used, intended for use, or designed for use in cutting controlled substances or
104 imitation controlled substances;

105 (g) Separation gins and sifters used, intended for use, or designed for use in removing
106 twigs and seeds from, or in otherwise cleaning or refining, marijuana;

107 (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or
108 designed for use in compounding controlled substances or imitation controlled substances;

109 (i) Capsules, balloons, envelopes and other containers used, intended for use, or designed
110 for use in packaging small quantities of controlled substances or imitation controlled substances;

111 (j) Containers and other objects used, intended for use, or designed for use in storing or
112 concealing controlled substances or imitation controlled substances;

113 (k) Hypodermic syringes, needles and other objects used, intended for use, or designed
114 for use in parenterally injecting controlled substances or imitation controlled substances into the
115 human body;

116 (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise
117 introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

- 118 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens,
119 permanent screens, hashish heads, or punctured metal bowls;
120 b. Water pipes;
121 c. Carburetion tubes and devices;
122 d. Smoking and carburetion masks;
123 e. Roach clips meaning objects used to hold burning material, such as a marijuana
124 cigarette, that has become too small or too short to be held in the hand;
125 f. Miniature cocaine spoons and cocaine vials;
126 g. Chamber pipes;
127 h. Carburetor pipes;
128 i. Electric pipes;
129 j. Air-driven pipes;
130 k. Chillums;
131 l. Bongs;
132 m. Ice pipes or chillers;
133 (m) Substances used, intended for use, or designed for use in the manufacture of a
134 controlled substance;
135
136 In determining whether an object, product, substance or material is drug paraphernalia, a court
137 or other authority should consider, in addition to all other logically relevant factors, the
138 following:
139 (a) Statements by an owner or by anyone in control of the object concerning its use;
140 (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any
141 state or federal law relating to any controlled substance or imitation controlled substance;
142 (c) The proximity of the object, in time and space, to a direct violation of [sections
143 195.005 to 195.425] **this chapter**;
144 (d) The proximity of the object to controlled substances or imitation controlled
145 substances;
146 (e) The existence of any residue of controlled substances or imitation controlled
147 substances on the object;
148 (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control
149 of the object, to deliver it to persons who he **or she** knows, or should reasonably know, intend
150 to use the object to facilitate a violation of [sections 195.005 to 195.425] **this chapter**; the
151 innocence of an owner, or of anyone in control of the object, as to direct violation of [sections
152 195.005 to 195.425] **this chapter** shall not prevent a finding that the object is intended for use,
153 or designed for use as drug paraphernalia;

- 154 (g) Instructions, oral or written, provided with the object concerning its use;
155 (h) Descriptive materials accompanying the object which explain or depict its use;
156 (i) National or local advertising concerning its use;
157 (j) The manner in which the object is displayed for sale;
158 (k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like
159 or related items to the community, such as a licensed distributor or dealer of tobacco products;
160 (l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales
161 of the business enterprise;
162 (m) The existence and scope of legitimate uses for the object in the community;
163 (n) Expert testimony concerning its use;
164 (o) The quantity, form or packaging of the product, substance or material in relation to
165 the quantity, form or packaging associated with any legitimate use for the product, substance or
166 material;
167 (18) "Federal narcotic laws", the laws of the United States relating to controlled
168 substances;
169 (19) "Hospital", a place devoted primarily to the maintenance and operation of facilities
170 for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or
171 more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal
172 physical conditions; or a place devoted primarily to provide, for not less than twenty-four
173 consecutive hours in any week, medical or nursing care for three or more nonrelated individuals.
174 The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined
175 in chapter 198;
176 (20) "Immediate precursor", a substance which:
177 (a) The state department of health and senior services has found to be and by rule
178 designates as being the principal compound commonly used or produced primarily for use in the
179 manufacture of a controlled substance;
180 (b) Is an immediate chemical intermediary used or likely to be used in the manufacture
181 of a controlled substance; and
182 (c) The control of which is necessary to prevent, curtail or limit the manufacture of the
183 controlled substance;
184 (21) "Imitation controlled substance", a substance that is not a controlled substance,
185 which by dosage unit appearance (including color, shape, size and markings), or by
186 representations made, would lead a reasonable person to believe that the substance is a controlled
187 substance. In determining whether the substance is an imitation controlled substance the court
188 or authority concerned should consider, in addition to all other logically relevant factors, the
189 following:

190 (a) Whether the substance was approved by the federal Food and Drug Administration
191 for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and
192 Drug Administration approved package, with the federal Food and Drug Administration
193 approved labeling information;

194 (b) Statements made by an owner or by anyone else in control of the substance
195 concerning the nature of the substance, or its use or effect;

196 (c) Whether the substance is packaged in a manner normally used for illicit controlled
197 substances;

198 (d) Prior convictions, if any, of an owner, or anyone in control of the object, under state
199 or federal law related to controlled substances or fraud;

200 (e) The proximity of the substances to controlled substances;

201 (f) Whether the consideration tendered in exchange for the noncontrolled substance
202 substantially exceeds the reasonable value of the substance considering the actual chemical
203 composition of the substance and, where applicable, the price at which over-the-counter
204 substances of like chemical composition sell. An imitation controlled substance does not include
205 a placebo or registered investigational drug either of which was manufactured, distributed,
206 possessed or delivered in the ordinary course of professional practice or research;

207 (22) "Laboratory", a laboratory approved by the department of health and senior services
208 as proper to be entrusted with the custody of controlled substances but does not include a
209 pharmacist who compounds controlled substances to be sold or dispensed on prescriptions;

210 (23) "Manufacture", the production, preparation, propagation, compounding or
211 processing of drug paraphernalia or of a controlled substance, or an imitation controlled
212 substance, either directly or by extraction from substances of natural origin, or independently by
213 means of chemical synthesis, or by a combination of extraction and chemical synthesis, and
214 includes any packaging or repackaging of the substance or labeling or relabeling of its container.
215 This term does not include the preparation or compounding of a controlled substance or an
216 imitation controlled substance or the preparation, compounding, packaging or labeling of a
217 narcotic or dangerous drug:

218 (a) By a practitioner as an incident to his **or her** administering or dispensing of a
219 controlled substance or an imitation controlled substance in the course of his **or her** professional
220 practice, or

221 (b) By a practitioner or his **or her** authorized agent under his **or her** supervision, for the
222 purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;

223 (24) "Marijuana", all parts of the plant genus Cannabis in any species or form thereof,
224 including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana,
225 Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin

226 extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture,
227 or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant,
228 fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound,
229 manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin
230 extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of
231 germination;

232 (25) "Methamphetamine precursor drug", any drug containing ephedrine,
233 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical
234 isomers;

235 (26) "Narcotic drug", any of the following, whether produced directly or indirectly by
236 extraction from substances of vegetable origin, or independently by means of chemical synthesis,
237 or by a combination of extraction and chemical analysis:

238 (a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters,
239 ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers,
240 esters, ethers, and salts is possible within the specific chemical designation. The term does not
241 include the isoquinoline alkaloids of opium;

242 (b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine,
243 and derivatives of ecgonine or their salts have been removed;

244 (c) Cocaine or any salt, isomer, or salt of isomer thereof;

245 (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

246 (e) Any compound, mixture, or preparation containing any quantity of any substance
247 referred to in paragraphs (a) to (d) of this subdivision;

248 (27) "Official written order", an order written on a form provided for that purpose by the
249 United States Commissioner of Narcotics, under any laws of the United States making provision
250 therefor, if such order forms are authorized and required by federal law, and if no such order
251 form is provided, then on an official form provided for that purpose by the department of health
252 and senior services;

253 (28) "Opiate", any substance having an addiction-forming or addiction-sustaining
254 liability similar to morphine or being capable of conversion into a drug having addiction-forming
255 or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does
256 not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of
257 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

258 (29) "Opium poppy", the plant of the species *Papaver somniferum* L., except its seeds;

259 (30) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144 of a drug
260 other than a controlled substance;

261 (31) "Person", an individual, corporation, government or governmental subdivision or
262 agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or
263 commercial entity;

264 (32) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where
265 the context so requires, the owner of a store or other place of business where controlled
266 substances are compounded or dispensed by a licensed pharmacist; but nothing in [sections
267 195.005 to 195.425] **this chapter** shall be construed as conferring on a person who is not
268 registered nor licensed as a pharmacist any authority, right or privilege that is not granted to him
269 by the pharmacy laws of this state;

270 (33) "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

271 (34) "Possessed" or "possessing a controlled substance", a person, with the knowledge
272 of the presence and nature of a substance, has actual or constructive possession of the substance.
273 A person has actual possession if he has the substance on his **or her** person or within easy reach
274 and convenient control. A person who, although not in actual possession, has the power and the
275 intention at a given time to exercise dominion or control over the substance either directly or
276 through another person or persons is in constructive possession of it. Possession may also be
277 sole or joint. If one person alone has possession of a substance possession is sole. If two or
278 more persons share possession of a substance, possession is joint;

279 (35) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific
280 investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by
281 this state to distribute, dispense, conduct research with respect to or administer or to use in
282 teaching or chemical analysis, a controlled substance in the course of professional practice or
283 research in this state, or a pharmacy, hospital or other institution licensed, registered, or
284 otherwise permitted to distribute, dispense, conduct research with respect to or administer a
285 controlled substance in the course of professional practice or research;

286 (36) "Production", includes the manufacture, planting, cultivation, growing, or
287 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled
288 substance;

289 (37) "Registry number", the number assigned to each person registered under the federal
290 controlled substances laws;

291 (38) "Sale", includes barter, exchange, or gift, or offer therefor, and each such transaction
292 made by any person, whether as principal, proprietor, agent, servant or employee;

293 (39) "State" when applied to a part of the United States, includes any state, district,
294 commonwealth, territory, insular possession thereof, and any area subject to the legal authority
295 of the United States of America;

296 (40) "Synthetic cannabinoid"[.] includes unless specifically excepted or unless listed in
297 another schedule, any natural or synthetic material, compound, mixture, or preparation that
298 contains any quantity of a substance that is a cannabinoid receptor agonist, including but not
299 limited to any substance listed in paragraph (11) of subdivision (4) of subsection 2 of section
300 195.017 and any analogues[.] ; homologues; isomers, whether optical, positional, or geometric;
301 esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the
302 isomers, esters, ethers, or salts is possible within the specific chemical designation, however, it
303 shall not include any approved pharmaceutical authorized by the United States Food and Drug
304 Administration;

305 (41) "Ultimate user", a person who lawfully possesses a controlled substance or an
306 imitation controlled substance for his **or her** own use or for the use of a member of his **or her**
307 household or for administering to an animal owned by him or by a member of his **or her**
308 household;

309 (42) "Wholesaler", a person who supplies drug paraphernalia or controlled substances
310 or imitation controlled substances that he himself has not produced or prepared, on official
311 written orders, but not on prescriptions.

195.015. 1. The department of health and senior services shall administer [sections
2 195.005 to 195.425] **this chapter** and may add substances to the schedules after public notice
3 and hearing. In making a determination regarding a substance, the department of health and
4 senior services shall consider the following:

- 5 (1) The actual or relative potential for abuse;
- 6 (2) The scientific evidence of its pharmacological effect, if known;
- 7 (3) The state of current scientific knowledge regarding the substance;
- 8 (4) The history and current pattern of abuse;
- 9 (5) The scope, duration, and significance of abuse;
- 10 (6) The risk to the public health;
- 11 (7) The potential of the substance to produce psychic or physiological dependence
12 liability; and
- 13 (8) Whether the substance is an immediate precursor of a substance already controlled
14 under [sections 195.005 to 195.425] **this chapter**.

15 2. After considering the factors enumerated in subsection 1 of this section the department
16 of health and senior services shall make findings with respect thereto and issue a rule controlling
17 the substance if it finds the substance has a potential for abuse.

18 3. If the department of health and senior services designates a substance as an immediate
19 precursor, substances which are precursors of the controlled precursor shall not be subject to
20 control solely because they are precursors of the controlled precursor.

21 4. If any substance is designated, rescheduled, or deleted as a controlled substance under
22 federal law and notice thereof is given to the department of health and senior services, the
23 department of health and senior services shall similarly control the substance under [sections
24 195.005 to 195.425] **this chapter** after the expiration of thirty days from publication in the
25 federal register of a final order designating a substance as a controlled substance or rescheduling
26 or deleting a substance, unless within that thirty-day period, the department of health and senior
27 services objects to inclusion, rescheduling, or deletion. In that case, the department of health and
28 senior services shall publish the reasons for objection and afford all interested parties an
29 opportunity to be heard. At the conclusion of the hearing, the department of health and senior
30 services shall publish its decision, which shall be final unless altered by statute. Upon
31 publication of objection to inclusion, rescheduling or deletion under [sections 195.005 to
32 195.425] **this chapter** by the department of health and senior services, control under [sections
33 195.005 to 195.425] **this chapter** is stayed as to the substance in question until the department
34 of health and senior services publishes its decision.

35 5. The department of health and senior services shall exclude any nonnarcotic substance
36 from a schedule if such substance may, under the federal Food, Drug, and Cosmetic Act and the
37 law of this state, be lawfully sold over the counter without a prescription.

38 6. The department of health and senior services shall prepare a list of all drugs falling
39 within the purview of controlled substances. Upon preparation, a copy of the list shall be filed
40 in the office of the secretary of state.

 195.016. The controlled substances listed or to be listed in the schedules in [sections
2 195.005 to 195.425] **section 195.017** are included by whatever official, common, usual,
3 chemical, or trade name designated.

 195.017. 1. The department of health and senior services shall place a substance in
2 Schedule I if it finds that the substance:

3 (1) Has high potential for abuse; and

4 (2) Has no accepted medical use in treatment in the United States or lacks accepted
5 safety for use in treatment under medical supervision.

6 2. Schedule I:

7 (1) The controlled substances listed in this subsection are included in Schedule I;

8 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
9 of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these
10 isomers, esters, ethers and salts is possible within the specific chemical designation:

11 (a) Acetyl-alpha-methylfentanyl;

12 (b) Acetylmethadol;

13 (c) Allylprodine;

- 14 (d) Alphacetylmethadol;
- 15 (e) Alphameprodine;
- 16 (f) Alphamethadol;
- 17 (g) Alpha-methylfentanyl;
- 18 (h) Alpha-methylthiofentanyl;
- 19 (i) Benzethidine;
- 20 (j) Betacetylmethadol;
- 21 (k) Beta-hydroxyfentanyl;
- 22 (l) Beta-hydroxy-3-methylfentanyl;
- 23 (m) Betameprodine;
- 24 (n) Betamethadol;
- 25 (o) Betaprodine;
- 26 (p) Clonitazene;
- 27 (q) Dextromoramide;
- 28 (r) Diampromide;
- 29 (s) Diethylthiambutene;
- 30 (t) Difenoxin;
- 31 (u) Dimenoxadol;
- 32 (v) Dimepheptanol;
- 33 (w) Dimethylthiambutene;
- 34 (x) Dioxaphetyl butyrate;
- 35 (y) Dipipanone;
- 36 (z) Ethylmethylthiambutene;
- 37 (aa) Etonitazene;
- 38 (bb) Etoxeridine;
- 39 (cc) Furethidine;
- 40 (dd) Hydroxypethidine;
- 41 (ee) Ketobemidone;
- 42 (ff) Levomoramide;
- 43 (gg) Levophenacymorphan;
- 44 (hh) 3-Methylfentanyl;
- 45 (ii) 3-Methylthiofentanyl;
- 46 (jj) Morpheridine;
- 47 (kk) MPPP;
- 48 (ll) Noracymethadol;
- 49 (mm) Norlevorphanol;

- 50 (nn) Normethadone;
- 51 (oo) Norpipanone;
- 52 (pp) Para-fluorofentanyl;
- 53 (qq) PEPAP;
- 54 (rr) Phenadoxone;
- 55 (ss) Phenampromide;
- 56 (tt) Phenomorphan;
- 57 (uu) Phenoperidine;
- 58 (vv) Piritramide;
- 59 (ww) Proheptazine;
- 60 (xx) Properidine;
- 61 (yy) Propiram;
- 62 (zz) Racemoramide;
- 63 (aaa) Thiofentanyl;
- 64 (bbb) Tilidine;
- 65 (ccc) Trimeperidine;

66 (3) Any of the following opium derivatives, their salts, isomers and salts of isomers
67 unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers
68 is possible within the specific chemical designation:

- 69 (a) Acetorphine;
- 70 (b) Acetyldihydrocodeine;
- 71 (c) Benzylmorphine;
- 72 (d) Codeine methylbromide;
- 73 (e) Codeine-N-Oxide;
- 74 (f) Cyprenorphine;
- 75 (g) Desomorphine;
- 76 (h) Dihydromorphine;
- 77 (i) Drotebanol;
- 78 (j) Etorphine (except hydrochloride salt);
- 79 (k) Heroin;
- 80 (l) Hydromorphenol;
- 81 (m) Methyldesorphine;
- 82 (n) Methyldihydromorphine;
- 83 (o) Morphine methylbromide;
- 84 (p) Morphine methylsulfonate;
- 85 (q) Morphine-N-Oxide;

- 86 (r) Myrophine;
- 87 (s) Nicocodeine;
- 88 (t) Nicomorphine;
- 89 (u) Normorphine;
- 90 (v) Pholcodine;
- 91 (w) Thebacon;
- 92 (4) Any material, compound, mixture or preparation which contains any quantity of the
- 93 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically
- 94 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within
- 95 the specific chemical designation:
 - 96 (a) 4-bromo-2, 5-dimethoxyamphetamine;
 - 97 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
 - 98 (c) 2,5-dimethoxyamphetamine;
 - 99 (d) 2,5-dimethoxy-4-ethylamphetamine;
 - 100 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
 - 101 (f) 4-methoxyamphetamine;
 - 102 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
 - 103 (h) 4-methyl-2, 5-dimethoxyamphetamine;
 - 104 (i) 3,4-methylenedioxyamphetamine;
 - 105 (j) 3,4-methylenedioxymethamphetamine;
 - 106 (k) 3,4-methylenedioxy-N-ethylamphetamine;
 - 107 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
 - 108 (m) 3,4,5-trimethoxyamphetamine;
 - 109 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts, and salts of
 - 110 isomers;
 - 111 (o) Alpha-ethyltryptamine;
 - 112 (p) Alpha-methyltryptamine;
 - 113 (q) Bufotenine;
 - 114 (r) Diethyltryptamine;
 - 115 (s) Dimethyltryptamine;
 - 116 (t) 5-methoxy-N,N-diisopropyltryptamine;
 - 117 (u) Ibogaine;
 - 118 (v) Lysergic acid diethylamide;
 - 119 (w) Marijuana or marihuana;
 - 120 (x) Mescaline;
 - 121 (y) Parahexyl;

- 122 (z) Peyote, to include all parts of the plant presently classified botanically as *Lophophora*
123 *Williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from any part of such
124 plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant,
125 its seed or extracts;
- 126 (aa) N-ethyl-3-piperidyl benzilate;
127 (bb) N-methyl-3-piperidyl benzilate;
128 (cc) Psilocybin;
129 (dd) Psilocyn;
- 130 (ee) Tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis*
131 (*cannabis* plant), as well as synthetic equivalents of the substances contained in the *cannabis*
132 plant, or in the resinous extractives of such plant, or synthetic substances, derivatives, and their
133 isomers with similar chemical structure and pharmacological activity to those substances
134 contained in the plant, such as the following:
- 135 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
136 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
137 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
138 d. Any compounds of these structures, regardless of numerical designation of atomic
139 positions covered;
- 140 (ff) Ethylamine analog of phencyclidine;
141 (gg) Pyrrolidine analog of phencyclidine;
142 (hh) Thiophene analog of phencyclidine;
143 (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
144 (jj) *Salvia divinorum*;
145 (kk) Salvinorin A;
146 (ll) Synthetic cannabinoids:
- 147 a. Any compound structurally derived from 3-(1-naphthoyl)indole or
148 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by
149 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl
150 or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any
151 extent, whether or not substituted in the naphthyl ring to any extent. Including, but not limited
152 to:
- 153 (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;
154 (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;
155 (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;
156 (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;
157 (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;

- 158 (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;
159 (vii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;
160 (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
161 (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
162 (x) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
163 (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
164 (xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
- 165 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the
166 nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
167 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
168 substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any
169 extent;
- 170 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution
171 at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
172 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or
173 not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl
174 ring to any extent;
- 175 d. Any compound structurally derived from 3-phenylacetylindole by substitution at the
176 nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
177 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
178 substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any
179 extent. Including, but not limited to:
- 180 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
181 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;
182 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
183 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
184 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;
- 185 e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by
186 substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
187 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or
188 not substituted in the cyclohexyl ring to any extent. Including, but not limited to:
- 189 (i) CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
190 yl)phenol), where side chain n=5, and homologues where side chain n=4,6, or 7;
- 191 f. Any compound containing a 3-(benzoyl)indole structure with substitution at the
192 nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
193 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further

194 substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to
195 any extent. Including, but not limited to:

- 196 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;
197 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;
198 g. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-
199 5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
200 h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
201 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
202 i. HU-211, or Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-
203 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
204 j. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-
205 phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
206 k. Dimethylheptylpyran, or DMHP;

207 (5) Any material, compound, mixture or preparation containing any quantity of the
208 following substances having a depressant effect on the central nervous system, including their
209 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
210 isomers is possible within the specific chemical designation:

- 211 (a) Gamma-hydroxybutyric acid;
212 (b) Mecloqualone;
213 (c) Methaqualone;
214 (6) Any material, compound, mixture or preparation containing any quantity of the
215 following substances having a stimulant effect on the central nervous system, including their
216 salts, isomers and salts of isomers:
217 (a) Aminorex;
218 (b) N-benzylpiperazine;
219 (c) Cathinone;
220 (d) Fenethylamine;
221 (e) 3-Fluoromethcathinone;
222 (f) 4-Fluoromethcathinone;
223 (g) Mephedrone, or 4-methylmethcathinone;
224 (h) Methcathinone;
225 (i) 4-methoxymethcathinone;
226 (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazoline);
227 (k) Methylenedioxypyrovalerone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-
228 pyrrolidinyl)-1-pentanone);
229 (l) Methylenedioxymethcathinone;

- 230 (m) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP;
231 (n) N-ethylamphetamine;
232 (o) N,N-dimethylamphetamine;
233 (7) A temporary listing of substances subject to emergency scheduling under federal law
234 shall include any material, compound, mixture or preparation which contains any quantity of the
235 following substances:
236 (a) N-(1-benzyl-4-piperidyl)-N phenylpropanamide (benzylfentanyl), its optical isomers,
237 salts and salts of isomers;
238 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its
239 optical isomers, salts and salts of isomers;
240 (8) Khat, to include all parts of the plant presently classified botanically as catha edulis,
241 whether growing or not; the seeds thereof; any extract from any part of such plant; and every
242 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.
243 3. The department of health and senior services shall place a substance in Schedule II
244 if it finds that:
245 (1) The substance has high potential for abuse;
246 (2) The substance has currently accepted medical use in treatment in the United States,
247 or currently accepted medical use with severe restrictions; and
248 (3) The abuse of the substance may lead to severe psychic or physical dependence.
249 4. The controlled substances listed in this subsection are included in Schedule II:
250 (1) Any of the following substances whether produced directly or indirectly by extraction
251 from substances of vegetable origin, or independently by means of chemical synthesis, or by
252 combination of extraction and chemical synthesis:
253 (a) Opium and opiate and any salt, compound, derivative or preparation of opium or
254 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine,
255 nalmeferene, naloxone and naltrexone, and their respective salts but including the following:
256 a. Raw opium;
257 b. Opium extracts;
258 c. Opium fluid;
259 d. Powdered opium;
260 e. Granulated opium;
261 f. Tincture of opium;
262 g. Codeine;
263 h. Ethylmorphine;
264 i. Etorphine hydrochloride;
265 j. Hydrocodone;

- 266 k. Hydromorphone;
267 l. Metopon;
268 m. Morphine;
269 n. Oxycodone;
270 o. Oxymorphone;
271 p. Thebaine;
- 272 (b) Any salt, compound, derivative, or preparation thereof which is chemically
273 equivalent or identical with any of the substances referred to in this subdivision, but not
274 including the isoquinoline alkaloids of opium;
- 275 (c) Opium poppy and poppy straw;
- 276 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
277 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical
278 with any of these substances, but not including decocainized coca leaves or extractions which
279 do not contain cocaine or ecgonine;
- 280 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid
281 or powder form which contains the phenanthrene alkaloids of the opium poppy);
- 282 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
283 of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within
284 the specific chemical designation, dextrorphan and levopropoxyphene excepted:
- 285 (a) Alfentanil;
286 (b) Alphaprodine;
287 (c) Anileridine;
288 (d) Bezitramide;
289 (e) Bulk dextropropoxyphene;
290 (f) Carfentanil;
291 (g) Dihydrocodeine;
292 (h) Diphenoxylate;
293 (i) Fentanyl;
294 (j) Isomethadone;
295 (k) Levo-alphaacetylmethadol;
296 (l) Levomethorphan;
297 (m) Levorphanol;
298 (n) Metazocine;
299 (o) Methadone;
300 (p) Meperidine;
301 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;

- 302 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic
303 acid;
- 304 (s) Pethidine (meperidine);
- 305 (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 306 (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 307 (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 308 (w) Phenazocine;
- 309 (x) Piminodine;
- 310 (y) Racemethorphan;
- 311 (z) Racemorphan;
- 312 (aa) Remifentanyl;
- 313 (bb) Sufentanyl;
- 314 (cc) Tapentadol;
- 315 (3) Any material, compound, mixture, or preparation which contains any quantity of the
316 following substances having a stimulant effect on the central nervous system:
- 317 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 318 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- 319 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- 320 (d) Phenmetrazine and its salts;
- 321 (e) Methylphenidate;
- 322 (4) Any material, compound, mixture, or preparation which contains any quantity of the
323 following substances having a depressant effect on the central nervous system, including its salts,
324 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers
325 is possible within the specific chemical designation:
- 326 (a) Amobarbital;
- 327 (b) Glutethimide;
- 328 (c) Pentobarbital;
- 329 (d) Phencyclidine;
- 330 (e) Secobarbital;
- 331 (5) Any material or compound which contains any quantity of nabilone;
- 332 (6) Any material, compound, mixture, or preparation which contains any quantity of the
333 following substances:
- 334 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- 335 (b) Immediate precursors to phencyclidine (PCP):
- 336 a. 1-phenylcyclohexylamine;
- 337 b. 1-piperidinocyclohexanecarbonitrile (PCC);

338 (7) Any material, compound, mixture, or preparation which contains any quantity of the
339 following alkyl nitrites:
340 (a) Amyl nitrite;
341 (b) Butyl nitrite.

342 5. The department of health and senior services shall place a substance in Schedule III
343 if it finds that:
344 (1) The substance has a potential for abuse less than the substances listed in Schedules
345 I and II;
346 (2) The substance has currently accepted medical use in treatment in the United States;
347 and
348 (3) Abuse of the substance may lead to moderate or low physical dependence or high
349 psychological dependence.

350 6. The controlled substances listed in this subsection are included in Schedule III:
351 (1) Any material, compound, mixture, or preparation which contains any quantity of the
352 following substances having a potential for abuse associated with a stimulant effect on the
353 central nervous system:
354 (a) Benzphetamine;
355 (b) Chlorphentermine;
356 (c) Clortermine;
357 (d) Phendimetrazine;
358 (2) Any material, compound, mixture or preparation which contains any quantity or salt
359 of the following substances or salts having a depressant effect on the central nervous system:
360 (a) Any material, compound, mixture or preparation which contains any quantity or salt
361 of the following substances combined with one or more active medicinal ingredients:
362 a. Amobarbital;
363 b. Secobarbital;
364 c. Pentobarbital;
365 (b) Any suppository dosage form containing any quantity or salt of the following:
366 a. Amobarbital;
367 b. Secobarbital;
368 c. Pentobarbital;
369 (c) Any substance which contains any quantity of a derivative of barbituric acid or its
370 salt;
371 (d) Chlorhexadol;
372 (e) Embutramide;

373 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in
374 a drug product for which an application has been approved under Section 505 of the federal
375 Food, Drug, and Cosmetic Act;

376 (g) Ketamine, its salts, isomers, and salts of isomers;

377 (h) Lysergic acid;

378 (i) Lysergic acid amide;

379 (j) Methyprylon;

380 (k) Sulfondiethylmethane;

381 (l) Sulfonethylmethane;

382 (m) Sulfonmethane;

383 (n) Tiletamine and zolazepam or any salt thereof;

384 (3) Nalorphine;

385 (4) Any material, compound, mixture, or preparation containing limited quantities of any
386 of the following narcotic drugs or their salts:

387 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
388 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid
389 of opium;

390 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
391 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized
392 therapeutic amounts;

393 (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
394 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an
395 isoquinoline alkaloid of opium;

396 (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
397 or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic
398 ingredients in recognized therapeutic amounts;

399 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not more
400 than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in
401 recognized therapeutic amounts;

402 (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters
403 or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic
404 ingredients in recognized therapeutic amounts;

405 (g) Not more than five hundred milligrams of opium per one hundred milliliters or per
406 one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more
407 active nonnarcotic ingredients in recognized therapeutic amounts;

408 (h) Not more than fifty milligrams of morphine per one hundred milliliters or per one
409 hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic
410 amounts;

411 (5) Any material, compound, mixture, or preparation containing any of the following
412 narcotic drugs or their salts, as set forth in subdivision (6) of this subsection; buprenorphine;

413 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
414 pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and
415 dehydroepiandrosterone) that promotes muscle growth, except an anabolic steroid which is
416 expressly intended for administration through implants to cattle or other nonhuman species and
417 which has been approved by the Secretary of Health and Human Services for that administration.
418 If any person prescribes, dispenses, or distributes such steroid for human use, such person shall
419 be considered to have prescribed, dispensed, or distributed an anabolic steroid within the
420 meaning of this subdivision. Unless specifically excepted or unless listed in another schedule,
421 any material, compound, mixture or preparation containing any quantity of the following
422 substances, including its salts, esters and ethers:

- 423 (a) 3 β ,17-dihydroxy-5 α -androstane;
- 424 (b) 3 α ,17 β -dihydroxy-5 α -androstane;
- 425 (c) 5 α -androstane-3,17-dione;
- 426 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);
- 427 (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);
- 428 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
- 429 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
- 430 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
- 431 (i) 4-androstenedione (androst-4-en-3,17-dione);
- 432 (j) 5-androstenedione (androst-5-en-3,17-dione);
- 433 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 434 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
- 435 (m) Boldione;
- 436 (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 437 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
- 438 (p) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -methyl-androst-1,4-
439 dien-3-one);
- 440 (q) Desoxymethyltestosterone;
- 441 (r) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5 α -androst-1-en-3-one);
- 442 (s) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
- 443 (t) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstane-3-one);

- 444 (u) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
445 (v) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
446 (w) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
447 (x) Furazabol (17 α -methyl-17 β -hydroxyandrostano[2,3-c]-furazan);
448 (y) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
449 (z) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
450 (aa) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
451 (bb) Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one);
452 (cc) Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
453 (dd) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
454 (ee) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
455 (ff) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
456 (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane);
457 (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane);
458 (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
459 (jj) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-
460 one);
461 (kk) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
462 (ll) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
463 (mm) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
464 (nn) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
465 (oo) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-
466 one) (a.k.a. '17- α -methyl-1-testosterone');
467 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
468 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
469 (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
470 (ss) 19-nor-4,9(10)-androstadienedione;
471 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
472 (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
473 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
474 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
475 (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
476 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
477 (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
478 (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
479 (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);

480 (ccc) Oxymesterone (17a-methyl-4,17β-dihydroxyandrost-4-en-3-one);
481 (ddd) Oxymethalone (17a-methyl-2-hydroxymethylene-17β-hydroxy-[5a]-androstan-3-
482 one);
483 (eee) Stanazolol (17a-methyl-17β-hydroxy-[5a]-androst-2-eno[3,2-c]-pyrazole);
484 (fff) Stenbolone (17β-hydroxy-2-methyl-[5a]-androst-1-en-3-one);
485 (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
486 (hhh) Testosterone (17β-hydroxyandrost-4-en-3-one);
487 (iii) Tetrahydrogestrinone (13β,17a-diethyl-17β-hydroxygon-4,9,11-trien-3-one);
488 (jjj) Trenbolone (17β-hydroxyestr-4,9,11-trien-3-one);
489 (kkk) Any salt, ester, or ether of a drug or substance described or listed in this
490 subdivision, except an anabolic steroid which is expressly intended for administration through
491 implants to cattle or other nonhuman species and which has been approved by the Secretary of
492 Health and Human Services for that administration;
493 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a
494 United States Food and Drug Administration approved drug product;
495 (8) The department of health and senior services may except by rule any compound,
496 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions
497 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to
498 195.320 if the compound, mixture, or preparation contains one or more active medicinal
499 ingredients not having a stimulant or depressant effect on the central nervous system, and if the
500 admixtures are included therein in combinations, quantity, proportion, or concentration that
501 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on
502 the central nervous system.
503 7. The department of health and senior services shall place a substance in Schedule IV
504 if it finds that:
505 (1) The substance has a low potential for abuse relative to substances in Schedule III;
506 (2) The substance has currently accepted medical use in treatment in the United States;
507 and
508 (3) Abuse of the substance may lead to limited physical dependence or psychological
509 dependence relative to the substances in Schedule III.
510 8. The controlled substances listed in this subsection are included in Schedule IV:
511 (1) Any material, compound, mixture, or preparation containing any of the following
512 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
513 as set forth below:
514 (a) Not more than one milligram of difenoxin and not less than twenty-five micrograms
515 of atropine sulfate per dosage unit;

516 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-
517 propionoxybutane);

518 (c) Any of the following limited quantities of narcotic drugs or their salts, which shall
519 include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer
520 upon the compound, mixture or preparation valuable medicinal qualities other than those
521 possessed by the narcotic drug alone:

522 a. Not more than two hundred milligrams of codeine per one hundred milliliters or per
523 one hundred grams;

524 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters
525 or per one hundred grams;

526 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters
527 or per one hundred grams;

528 (2) Any material, compound, mixture or preparation containing any quantity of the
529 following substances, including their salts, isomers, and salts of isomers whenever the existence
530 of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

531 (a) Alprazolam;

532 (b) Barbitol;

533 (c) Bromazepam;

534 (d) Camazepam;

535 (e) Chloral betaine;

536 (f) Chloral hydrate;

537 (g) Chlordiazepoxide;

538 (h) Clobazam;

539 (i) Clonazepam;

540 (j) Clorazepate;

541 (k) Clotiazepam;

542 (l) Cloxazolam;

543 (m) Delorazepam;

544 (n) Diazepam;

545 (o) Dichloralphenazone;

546 (p) Estazolam;

547 (q) Ethchlorvynol;

548 (r) Ethinamate;

549 (s) Ethyl loflazepate;

550 (t) Fludiazepam;

551 (u) Flunitrazepam;

- 552 (v) Flurazepam;
- 553 (w) Fospropofol;
- 554 (x) Halazepam;
- 555 (y) Haloxazolam;
- 556 (z) Ketazolam;
- 557 (aa) Loprazolam;
- 558 (bb) Lorazepam;
- 559 (cc) Lormetazepam;
- 560 (dd) Mebutamate;
- 561 (ee) Medazepam;
- 562 (ff) Meprobamate;
- 563 (gg) Methohexital;
- 564 (hh) Methylphenobarbital (mephobarbital);
- 565 (ii) Midazolam;
- 566 (jj) Nimetazepam;
- 567 (kk) Nitrazepam;
- 568 (ll) Nordiazepam;
- 569 (mm) Oxazepam;
- 570 (nn) Oxazolam;
- 571 (oo) Paraldehyde;
- 572 (pp) Petrichloral;
- 573 (qq) Phenobarbital;
- 574 (rr) Pinazepam;
- 575 (ss) Prazepam;
- 576 (tt) Quazepam;
- 577 (uu) Temazepam;
- 578 (vv) Tetrazepam;
- 579 (ww) Triazolam;
- 580 (xx) Zaleplon;
- 581 (yy) Zolpidem;
- 582 (zz) Zopiclone;
- 583 (3) Any material, compound, mixture, or preparation which contains any quantity of the
- 584 following substance including its salts, isomers and salts of isomers whenever the existence of
- 585 such salts, isomers and salts of isomers is possible: fenfluramine;

586 (4) Any material, compound, mixture or preparation containing any quantity of the
587 following substances having a stimulant effect on the central nervous system, including their
588 salts, isomers and salts of isomers:

- 589 (a) Cathine ((+)-norpseudoephedrine);
- 590 (b) Diethylpropion;
- 591 (c) Fencamfamin;
- 592 (d) Fenproporex;
- 593 (e) Mazindol;
- 594 (f) Mefenorex;
- 595 (g) Modafinil;
- 596 (h) Pemoline, including organometallic complexes and chelates thereof;
- 597 (i) Phentermine;
- 598 (j) Pipradrol;
- 599 (k) Sibutramine;
- 600 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

601 (5) Any material, compound, mixture or preparation containing any quantity of the
602 following substance, including its salts:

- 603 (a) butorphanol;
- 604 (b) pentazocine;

605 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance
606 is the only active medicinal ingredient;

607 (7) The department of health and senior services may except by rule any compound,
608 mixture, or preparation containing any depressant substance listed in subdivision (1) of this
609 subsection from the application of all or any part of sections 195.010 to 195.320 if the
610 compound, mixture, or preparation contains one or more active medicinal ingredients not having
611 a depressant effect on the central nervous system, and if the admixtures are included therein in
612 combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the
613 substances which have a depressant effect on the central nervous system.

614 9. The department of health and senior services shall place a substance in Schedule V
615 if it finds that:

616 (1) The substance has low potential for abuse relative to the controlled substances listed
617 in Schedule IV;

618 (2) The substance has currently accepted medical use in treatment in the United States;
619 and

620 (3) The substance has limited physical dependence or psychological dependence liability
621 relative to the controlled substances listed in Schedule IV.

622 10. The controlled substances listed in this subsection are included in Schedule V:

623 (1) Any compound, mixture or preparation containing any of the following narcotic
624 drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set
625 forth below, which also contains one or more nonnarcotic active medicinal ingredients in
626 sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal
627 qualities other than those possessed by the narcotic drug alone:

628 (a) Not more than two and five-tenths milligrams of diphenoxylate and not less than
629 twenty-five micrograms of atropine sulfate per dosage unit;

630 (b) Not more than one hundred milligrams of opium per one hundred milliliters or per
631 one hundred grams;

632 (c) Not more than five-tenths milligram of difenoxin and not less than twenty-five
633 micrograms of atropine sulfate per dosage unit;

634 (2) Any material, compound, mixture or preparation which contains any quantity of the
635 following substance having a stimulant effect on the central nervous system including its salts,
636 isomers and salts of isomers: pyrovalerone;

637 (3) Any compound, mixture, or preparation containing any detectable quantity of
638 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,
639 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical
640 isomers, or salts of optical isomers;

641 (4) Unless specifically exempted or excluded or unless listed in another schedule, any
642 material, compound, mixture, or preparation which contains any quantity of the following
643 substances having a depressant effect on the central nervous system, including its salts:

644 (a) Lacosamide;

645 (b) Pregabalin.

646 11. If any compound, mixture, or preparation as specified in subdivision (3) of
647 subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a
648 prescription:

649 (1) All packages of any compound, mixture, or preparation containing any detectable
650 quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine,
651 its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind
652 a pharmacy counter where the public is not permitted, and only by a registered pharmacist or
653 registered pharmacy technician; and

654 (2) Any person purchasing, receiving or otherwise acquiring any compound, mixture,
655 or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers,
656 or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers
657 shall be at least eighteen years [of age] **old**; and

658 (3) The pharmacist, intern pharmacist, or registered pharmacy technician shall require
659 any person, prior to their purchasing, receiving or otherwise acquiring such compound, mixture,
660 or preparation to furnish suitable photo identification that is issued by a state or the federal
661 government or a document that, with respect to identification, is considered acceptable and
662 showing the date of birth of the person;

663 (4) The seller shall deliver the product directly into the custody of the purchaser.

664 12. Pharmacists, intern pharmacists, and registered pharmacy technicians shall
665 implement and maintain an electronic log of each transaction. Such log shall include the
666 following information:

667 (1) The name, address, and signature of the purchaser;

668 (2) The amount of the compound, mixture, or preparation purchased;

669 (3) The date and time of each purchase; and

670 (4) The name or initials of the pharmacist, intern pharmacist, or registered pharmacy
671 technician who dispensed the compound, mixture, or preparation to the purchaser.

672 13. Each pharmacy shall submit information regarding sales of any compound, mixture,
673 or preparation as specified in subdivision (3) of subsection 10 of this section in accordance with
674 transmission methods and frequency established by the department by regulation;

675 14. No person shall dispense, sell, purchase, receive, or otherwise acquire quantities
676 greater than those specified in this chapter.

677 15. All persons who dispense or offer for sale pseudoephedrine and ephedrine products
678 in a pharmacy shall ensure that all such products are located only behind a pharmacy counter
679 where the public is not permitted.

680 16. [Any person who knowingly or recklessly violates] **The penalties for a knowing**
681 **or reckless violation of** the provisions of subsections 11 to 15 of this section [is guilty of a class
682 A misdemeanor] **are found in section 579.060.**

683 17. The scheduling of substances specified in subdivision (3) of subsection 10 of this
684 section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds,
685 mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound,
686 mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must
687 be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

688 18. The manufacturer of a drug product or another interested party may apply with the
689 department of health and senior services for an exemption from this section. The department of
690 health and senior services may grant an exemption by rule from this section if the department
691 finds the drug product is not used in the illegal manufacture of methamphetamine or other
692 controlled or dangerous substances. The department of health and senior services shall rely on

693 reports from law enforcement and law enforcement evidentiary laboratories in determining if the
694 proposed product can be used to manufacture illicit controlled substances.

695 19. The department of health and senior services shall revise and republish the schedules
696 annually.

697 20. The department of health and senior services shall promulgate rules under chapter
698 536 regarding the security and storage of Schedule V controlled substances, as described in
699 subdivision (3) of subsection 10 of this section, for distributors as registered by the department
700 of health and senior services.

701 21. Logs of transactions required to be kept and maintained by this section and section
702 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is
703 the person whose transactions are recorded in the logs.

195.030. 1. The department of health and senior services upon public notice and hearing
2 pursuant to this section and chapter 536 may promulgate rules and charge reasonable fees
3 relating to the registration and control of the manufacture, distribution and dispensing of
4 controlled substances within this state. No rule or portion of a rule promulgated pursuant to the
5 authority of this chapter shall become effective unless it has been promulgated pursuant to the
6 provisions of section 536.024.

7 2. No person shall manufacture, compound, mix, cultivate, grow, or by any other process
8 produce or prepare, distribute, dispense or prescribe any controlled substance and no person as
9 a wholesaler shall supply the same, without having first obtained a registration issued by the
10 department of health and senior services in accordance with rules and regulations promulgated
11 by it. No registration shall be granted for a term exceeding three years.

12 3. Persons registered by the department of health and senior services pursuant to
13 [sections 195.005 to 195.425] **this chapter** to manufacture, distribute, or dispense or conduct
14 research with controlled substances are authorized to possess, manufacture, distribute or dispense
15 such substances, including any such activity in the conduct of research, to the extent authorized
16 by their registration and in conformity with other provisions of [sections 195.005 to 195.425]
17 **this chapter and chapter 579.**

18 4. The following persons shall not be required to register and may lawfully possess
19 controlled substances pursuant to [sections 195.005 to 195.425] **this chapter**:

20 (1) An agent or employee, excluding physicians, dentists, optometrists, podiatrists or
21 veterinarians, of any registered manufacturer, distributor, or dispenser of any controlled
22 substance if such agent is acting in the usual course of his or her business or employment;

23 (2) A common or contract carrier or warehouseman, or an employee thereof, whose
24 possession of any controlled substance is in the usual course of business or employment;

25 (3) An ultimate user or a person in possession of any controlled substance pursuant to
26 a lawful order of a practitioner or in lawful possession of a Schedule V substance.

27 5. The department of health and senior services may, by regulation, waive the
28 requirement for registration of certain manufacturers, distributors, or dispensers if it finds it
29 consistent with the public health and safety.

30 6. A separate registration shall be required at each principal place of business or
31 professional practice where the applicant manufactures, distributes, or dispenses controlled
32 substances.

33 7. The department of health and senior services is authorized to inspect the establishment
34 of a registrant or applicant in accordance with the provisions of [sections 195.005 to 195.425]
35 **this chapter**.

195.040. 1. No registration shall be issued under section 195.030 unless and until the
2 applicant therefor has furnished proof satisfactory to the department of health and senior
3 services:

4 (1) That the applicant is of good moral character or, if the applicant be an association or
5 corporation, that the managing officers are of good moral character;

6 (2) That the applicant is equipped as to land, buildings, and paraphernalia properly to
7 carry on the business described in his **or her** application.

8 2. No registration shall be granted to any person who has within two years been finally
9 adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal
10 prosecution under the laws of any state or of the United States, for any misdemeanor offense or
11 within seven years for any felony offense related to controlled substances. No registration shall
12 be granted to any person who is abusing controlled substances.

13 3. The department of health and senior services shall register an applicant to
14 manufacture, distribute or dispense controlled substances unless it determines that the issuance
15 of that registration would be inconsistent with the public interest. In determining the public
16 interest, the following factors shall be considered:

17 (1) Maintenance of effective controls against diversion of controlled substances into
18 other than legitimate medical, scientific, or industrial channels;

19 (2) Compliance with applicable state and local law;

20 (3) Any convictions of an applicant under any federal or state laws relating to any
21 controlled substance;

22 (4) Past experience in the manufacture or distribution of controlled substances and the
23 existence in the applicant's establishment of effective controls against diversion;

24 (5) Furnishing by the applicant of false or fraudulent material information in any
25 application filed under [sections 195.005 to 195.425] **this chapter**;

- 26 (6) Suspension or revocation of the applicant's federal registration to manufacture,
27 distribute or dispense narcotics or controlled dangerous drugs as authorized by federal law; and
28 (7) Any other factors relevant to and consistent with the public health and safety.
- 29 4. Registration does not entitle a registrant to manufacture and distribute controlled
30 substances in Schedule I or II other than those specified in the registration.
- 31 5. Practitioners shall be registered to dispense any controlled substance or to conduct
32 research with controlled substances in Schedules II through V if they are authorized to dispense
33 or conduct research under the laws of this state. The department of health and senior services
34 need not require separate registration under [sections 195.005 to 195.425] **this chapter** for
35 practitioners engaging in research with nonnarcotic substances in Schedules II through V where
36 the registrant is already registered under [sections 195.005 to 195.425] **this chapter** in another
37 capacity. Practitioners registered under federal law to conduct research with Schedule I
38 substances may conduct research with Schedule I substances within this state upon furnishing
39 the department of health and senior services evidence of that federal registration.
- 40 6. Compliance by manufacturers and distributors with the provisions of federal law
41 respecting registration (excluding fees) shall entitle them to be registered under [sections 195.005
42 to 195.425] **this chapter**.
- 43 7. A registration to manufacture, distribute, or dispense a controlled substance may be
44 suspended or revoked by the department of health and senior services upon a finding that the
45 registrant:
- 46 (1) Has furnished false or fraudulent material information in any application filed under
47 [sections 195.005 to 195.425] **this chapter**;
- 48 (2) Has been convicted of a felony under any state or federal law relating to any
49 controlled substance;
- 50 (3) Has had his **or her** federal registration to manufacture, distribute or dispense
51 suspended or revoked;
- 52 (4) Has violated any federal controlled substances statute or regulation, or any provision
53 of [sections 195.005 to 195.425] **this chapter or chapter 579** or regulation promulgated
54 [pursuant to sections 195.005 to 195.425] **under this chapter**; or
- 55 (5) Has had the registrant's professional license to practice suspended or revoked.
- 56 8. The department of health and senior services may warn or censure a registrant; limit
57 a registration to particular controlled substances or schedules of controlled substances; limit
58 revocation or suspension of a registration to a particular controlled substance with respect to
59 which grounds for revocation or suspension exist; restrict or limit a registration under such terms
60 and conditions as the department of health and senior services considers appropriate for a period
61 of five years; suspend or revoke a registration for a period not to exceed five years; or deny an

62 application for registration. In any order of revocation, the department of health and senior
63 services may provide that the registrant may not apply for a new registration for a period of time
64 ranging from one to five years following the date of the order of revocation. All stay orders shall
65 toll this time period. Any registration placed under a limitation or restriction by the department
66 of health and senior services shall be termed "under probation".

67 9. If the department of health and senior services suspends or revokes a registration, all
68 controlled substances owned or possessed by the registrant at the time of suspension or the
69 effective date of the revocation order may be placed under seal by such agency and held pending
70 final disposition of the case. No disposition may be made of substances under seal until the time
71 for taking an appeal has elapsed or until all appeals have been concluded, unless a court, upon
72 application therefor, orders the sale of perishable substances and the deposit of the proceeds of
73 the sale with the court. Upon a revocation order becoming final, all controlled substances may
74 be forfeited to the state.

75 10. The department of health and senior services may, upon review, terminate any
76 restriction or limitation previously imposed upon a registration by the department of health and
77 senior services if the registrant has remained in compliance with the imposed restrictions or
78 limitations and local, state and federal laws since the time the restrictions or limitations were
79 imposed.

80 11. The department of health and senior services shall promptly notify the Drug
81 Enforcement Administration, United States Department of Justice, or its successor agency, of
82 all orders suspending or revoking registration and all forfeitures of controlled substances.

83 12. If after first providing the registrant an opportunity for an informal conference, the
84 department of health and senior services proposes to deny, suspend, restrict, limit or revoke a
85 registration or refuse a renewal of registration, the department of health and senior services shall
86 serve upon the applicant or registrant written notice of the proposed action to be taken on the
87 application or registration. The notice shall contain a statement of the type of discipline
88 proposed, the basis therefor, the date such action shall go into effect and a statement that the
89 registrant shall have thirty days to request in writing a hearing before the administrative hearing
90 commission. If no written request for a hearing is received by the department of health and
91 senior services within thirty days of the applicant's or registrant's receipt of the notice, the
92 proposed discipline shall take effect thirty-one days from the date the original notice was
93 received by the applicant or registrant. If the registrant or applicant makes a written request for
94 a hearing, the department of health and senior services shall file a complaint with the
95 administrative hearing commission within sixty days of receipt of the written request for a
96 hearing. The complaint shall comply with the laws and regulations for actions brought before
97 the administrative hearing commission. The department of health and senior services may issue

98 letters of censure or warning and may enter into agreements with a registrant or applicant which
99 restrict or limit a registration without formal notice or hearing.

100 13. The department of health and senior services may suspend any registration
101 simultaneously with the institution of proceedings under subsection 7 of this section if the
102 department of health and senior services finds that there is imminent danger to the public health
103 or safety which warrants this action. The suspension shall continue in effect until the conclusion
104 of the proceedings, including review thereof, unless sooner withdrawn by the department of
105 health and senior services, dissolved by a court of competent jurisdiction or stayed by the
106 administrative hearing commission.

195.050. 1. A duly registered manufacturer or wholesaler may sell controlled substances
2 to any of the following persons:

- 3 (1) To a manufacturer, wholesaler, or pharmacy;
- 4 (2) To a physician, dentist, podiatrist or veterinarian;
- 5 (3) To a person in charge of a hospital, but only for use in that hospital;
- 6 (4) To a person in charge of a laboratory, but only for use in that laboratory for scientific
7 and medical purposes.

8 2. A duly registered manufacturer or wholesaler may sell controlled substances to any
9 of the following persons:

- 10 (1) On a special written order accompanied by a certificate of exemption, as required by
11 federal laws, to a person in the employ of the United States government or of any state,
12 territorial, district, county, municipal or insular government, purchasing, receiving, possessing,
13 or dispensing controlled substances by reason of his **or her** official duties;
- 14 (2) To a master of a ship or person in charge of any aircraft upon which no physician is
15 regularly employed, for the actual medical needs of persons on board such ship or aircraft, when
16 not in port; provided, such controlled substances shall be sold to the master of such ship or
17 person in charge of such aircraft only in pursuance of a special order form approved by a
18 commissioned medical officer or acting surgeon of the United States Public Health Service;
- 19 (3) To a person in a foreign country if the provisions of federal laws are complied with.

20 3. An official written order for any controlled substance listed in Schedules I and II shall
21 be signed in duplicate by the person giving the order or by his **or her** duly authorized agent. The
22 original shall be presented to the person who sells or dispenses the controlled substance named
23 therein. In event of the acceptance of such order by the person, each party to the transaction shall
24 preserve his **or her** copy of such order for a period of two years in such a way as to be readily
25 accessible for inspection by any public officer or employee engaged in the enforcement of
26 [sections 195.005 to 195.425] **this chapter or chapter 579**. It shall be deemed a compliance

27 with this subsection if the parties to the transaction have complied with federal laws, respecting
28 the requirements governing the use of order forms.

29 4. Possession of or control of controlled substances obtained as authorized by this
30 section shall be lawful if in the regular course of business, occupation, profession, employment,
31 or duty of the possessor.

32 5. A person in charge of a hospital or of a laboratory, or in the employ of this state or of
33 any other state, or of any political subdivision thereof, and a master or other proper officer of a
34 ship or aircraft, who obtains controlled substances under the provisions of this section or
35 otherwise, shall not administer, nor dispense, nor otherwise use such drugs, within this state,
36 except within the scope of his **or her** employment or official duty, and then only for scientific
37 or medicinal purposes and subject to the provisions of [sections 195.005 to 195.425] **this**
38 **chapter and chapter 579.**

39 6. Every person registered to manufacture, distribute or dispense controlled substances
40 under [sections 195.005 to 195.425] **this chapter** shall keep records and inventories of all such
41 drugs in conformance with the record keeping and inventory requirements of federal law, and
42 in accordance with any additional regulations of the department of health and senior services.

43 7. Manufacturers and wholesalers shall keep records of all narcotic and controlled
44 substances compounded, mixed, cultivated, grown, or by any other process produced or prepared,
45 and of all controlled substances received and disposed of by them, in accordance with this
46 section.

47 8. Apothecaries shall keep records of all controlled substances received and disposed of
48 by them, in accordance with the provisions of this section.

49 9. The form of records shall be prescribed by the department of health and senior
50 services.

195.060. 1. Except as provided in subsection 4 of this section, a pharmacist, in good
2 faith, may sell and dispense controlled substances to any person only upon a prescription of a
3 practitioner as authorized by statute, provided that the controlled substances listed in Schedule
4 V may be sold without prescription in accordance with regulations of the department of health
5 and senior services. All written prescriptions shall be signed by the person prescribing the same.
6 All prescriptions shall be dated on the day when issued and bearing the full name and address
7 of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the
8 full name, address, and the registry number under the federal controlled substances laws of the
9 person prescribing, if he **or she** is required by those laws to be so registered. If the prescription
10 is for an animal, it shall state the species of the animal for which the drug is prescribed. The
11 person filling the prescription shall either write the date of filling and his **or her** own signature
12 on the prescription or retain the date of filling and the identity of the dispenser as electronic

13 prescription information. The prescription or electronic prescription information shall be
14 retained on file by the proprietor of the pharmacy in which it is filled for a period of two years,
15 so as to be readily accessible for inspection by any public officer or employee engaged in the
16 enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than
17 six months after the date prescribed; no prescription for a drug in schedule I or II shall be
18 refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six
19 months after the date of the original prescription or be refilled more than five times unless
20 renewed by the practitioner.

21 2. A pharmacist, in good faith, may sell and dispense controlled substances to any person
22 upon a prescription of a practitioner located in another state, provided that the:

23 (1) Prescription was issued according to and in compliance with the applicable laws of
24 that state and the United States; and

25 (2) Quantity limitations in subsection 2 of section 195.080 apply to prescriptions
26 dispensed to patients located in this state.

27 3. The legal owner of any stock of controlled substances in a pharmacy, upon
28 discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or
29 pharmacist, but only on an official written order.

30 4. A pharmacist, in good faith, may sell and dispense any Schedule II drug or drugs to
31 any person in emergency situations as defined by rule of the department of health and senior
32 services upon an oral prescription by an authorized practitioner.

33 5. Except where a bona fide physician-patient-pharmacist relationship exists,
34 prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate
35 user or agent by mail or other common carrier.

195.080. 1. Except as otherwise **provided** in [sections 195.005 to 195.425 specifically
2 provided, sections 195.005 to 195.425] **this chapter and chapter 579, this chapter and**
3 **chapter 579** shall not apply to the following cases: prescribing, administering, dispensing or
4 selling at retail of liniments, ointments, and other preparations that are susceptible of external
5 use only and that contain controlled substances in such combinations of drugs as to prevent the
6 drugs from being readily extracted from such liniments, ointments, or preparations, except that
7 [sections 195.005 to 195.425] **this chapter and chapter 579** shall apply to all liniments,
8 ointments, and other preparations that contain coca leaves in any quantity or combination.

9 2. The quantity of Schedule II controlled substances prescribed or dispensed at any one
10 time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled
11 substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and
12 shall be prescribed and dispensed in compliance with the general provisions of [sections 195.005
13 to 195.425] **this chapter and chapter 579**. The supply limitations provided in this subsection

14 may be increased up to three months if the physician describes on the prescription form or
15 indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or
16 attached to the prescription form the medical reason for requiring the larger supply. The supply
17 limitations provided in this subsection shall not apply if:

18 (1) The prescription is issued by a practitioner located in another state according to and
19 in compliance with the applicable laws of that state and the United States and dispensed to a
20 patient located in another state; or

21 (2) The prescription is dispensed directly to a member of the United States armed forces
22 serving outside the United States.

23 3. The partial filling of a prescription for a Schedule II substance is permissible as
24 defined by regulation by the department of health and senior services.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial
2 container unless such container bears a label containing an identifying symbol for such substance
3 in accordance with federal laws.

4 2. It shall be unlawful for any manufacturer of any controlled substance to distribute such
5 substance unless the labeling thereof conforms to the requirements of federal law and contains
6 the identifying symbol required in subsection 1 of this section.

7 3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to
8 or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such
9 narcotic or dangerous drug to any person other than the patient.

10 4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a
11 wholesaler sells or dispenses a controlled substance in a package prepared by him or her, the
12 manufacturer or wholesaler shall securely affix to each package in which that drug is contained
13 a label showing in legible English the name and address of the vendor and the quantity, kind, and
14 form of controlled substance contained therein. No person except a pharmacist for the purpose
15 of filling a prescription under [sections 195.005 to 195.425] **this chapter**, shall alter, deface, or
16 remove any label so affixed.

17 5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on
18 a prescription issued by a physician, physician assistant, dentist, podiatrist, veterinarian, or
19 advanced practice registered nurse, the pharmacist or practitioner shall affix to the container in
20 which such drug is sold or dispensed a label showing his or her own name and address of the
21 pharmacy or practitioner for whom he or she is lawfully acting; the name of the patient or, if the
22 patient is an animal, the name of the owner of the animal and the species of the animal; the name
23 of the physician, physician assistant, dentist, podiatrist, advanced practice registered nurse, or
24 veterinarian by whom the prescription was written; the name of the collaborating physician if the
25 prescription is written by an advanced practice registered nurse or the supervising physician if

26 the prescription is written by a physician assistant, and such directions as may be stated on the
27 prescription. No person shall alter, deface, or remove any label so affixed.

195.140. 1. All controlled substances, imitation controlled substances or drug
2 paraphernalia for the administration, use or manufacture of controlled substances or imitation
3 controlled substances and which have come into the custody of a peace officer or officer or agent
4 of the department of health and senior services as provided by sections 195.010 to 195.320, the
5 lawful possession of which is not established or the title to which cannot be ascertained after a
6 hearing as prescribed in Rule 34 of Rules of Criminal Procedure for the courts of Missouri or
7 some other appropriate hearing, shall be forfeited, and disposed of as follows:

8 (1) Except as in this section otherwise provided, the court or associate circuit judge
9 having jurisdiction shall order such controlled substances, imitation controlled substances, or
10 drug paraphernalia forfeited and destroyed. A record of the place where said controlled
11 substances, imitation controlled substances, or drug paraphernalia were seized, of the kinds and
12 quantities of controlled substances, imitation controlled substances, or drug paraphernalia so
13 destroyed, and of the time, place and manner of destructions, shall be kept, and a return under
14 oath, reporting the destruction of the controlled substances, imitation controlled substances, or
15 drug paraphernalia shall be made to the court or associate circuit judge;

16 (2) The department of health and senior services shall keep a complete record of all
17 controlled substances, imitation controlled substances, or drug paraphernalia received and
18 disposed of, together with the dates of such receipt and disposal, showing the exact kinds,
19 quantities, and forms of such controlled substances, imitation controlled substances, or drug
20 paraphernalia; the persons from whom received and to whom delivered; and by whose authority
21 they were received, delivered or destroyed; which record shall be open to inspection by all
22 federal or state officers charged with the enforcement of federal and state narcotic or controlled
23 substances laws.

24 2. (1) Everything of value furnished, or intended to be furnished, in exchange for a
25 controlled substance, imitation controlled substance or drug paraphernalia in violation of sections
26 195.010 to 195.320, all proceeds traceable to such an exchange, and all moneys, negotiable
27 instruments, or securities used, or intended to be used, to facilitate any violation of sections
28 195.010 to 195.320 shall be forfeited, except that no property shall be forfeited under this
29 subsection to the extent of the interest of an owner by reason of any act or omission established
30 by him to have been committed without his **or her** knowledge or consent.

31 (2) Any moneys, coin, or currency found in close proximity to forfeitable controlled
32 substances, imitation controlled substances, or drug paraphernalia, or forfeitable records of the
33 importation, manufacture, or distribution of controlled substances, imitation controlled

34 substances or drug paraphernalia are presumed to be forfeitable under this subsection. The
35 burden of proof shall be upon claimants of the property to rebut this presumption.

36 (3) All forfeiture proceedings shall be conducted pursuant to the provisions of sections
37 513.600 to [513.660] **513.653**.

195.150. On the conviction of any person of the violation of any provision of [this law]
2 **chapter 579**, a copy of the judgment and sentence, and of the opinion of the court or associate
3 circuit judge, if any opinion be filed, shall be sent by the clerk of the court, or by the associate
4 circuit judge, to the board or officer, if any, by whom the convicted defendant has been licensed
5 or registered to practice his **or her** profession or to carry on his **or her** business. On the
6 conviction of any such person, the court may, in its discretion, suspend or revoke the license or
7 registration of the convicted defendant to practice his **or her** profession or to carry on his
8 business. On the application of any person whose license or registration has been suspended or
9 revoked, and upon proper showing and for good cause, said board or officer may reinstate such
10 license or registration.

195.190. It is hereby made the duty of the department of health and senior services, its
2 officers, agents, inspectors, and representatives, and all peace officers within the state, and all
3 county attorneys, to enforce all provisions of [sections 195.005 to 195.425] **this chapter and**
4 **chapter 579**, except those specifically delegated, and to cooperate with all agencies charged with
5 the enforcement of the laws of the United States, of this state, and of all other states, relating to
6 narcotic and controlled substances.

195.195. The authority to promulgate regulations for the efficient enforcement of
2 [sections 195.005 to 195.425] **this chapter** is hereby vested in the director of the department of
3 health and senior services subject to the provisions of subsection 1 of section 195.030 and
4 chapter 536. The director of the department of health and senior services is hereby authorized
5 to make regulations promulgated under [sections 195.005 to 195.425] **this chapter** conform with
6 those promulgated under the federal Comprehensive Drug Abuse Prevention and Control Act
7 of 1970.

195.198. 1. The director of the department of health and senior services shall carry out
2 educational programs designed to prevent and deter misuse and abuse of controlled dangerous
3 substances. In connection with such programs he **or she** may:

4 (1) Assist the regulated industry and interested groups and organizations in contributing
5 to the reduction of misuse and abuse of controlled substances;

6 (2) Consult with interested groups and organizations to aid them in solving
7 administrative and organizational problems;

8 (3) Assist in the education and training of state and local law enforcement officials in
9 their efforts to control misuse and abuse of controlled substances.

10 2. The director of the department of health and senior services shall encourage research
11 on misuse and abuse of controlled substances. In connection with such research and in
12 furtherance of the enforcement of [sections 195.005 to 195.425] **this chapter and chapter 579**,
13 he **or she** may:

14 (1) Establish methods to assess accurately the effects of controlled substances including
15 but not limited to gathering, analyzing, and publishing a report using existing data regarding
16 poisoning episodes, arrests relating to controlled substance violations, crime laboratory
17 determinations, department of health and senior services investigations and audits, information
18 available from the federal Drug Enforcement Administration and Food and Drug Administration,
19 and to identify and characterize substances with potential for abuse;

20 (2) Make studies and undertake programs of research to develop new or improved
21 approaches, techniques, systems, equipment and devices to strengthen the enforcement of
22 [sections 195.005 to 195.425] **this chapter and chapter 579**.

23 3. The director of the department of health and senior services may enter into contracts
24 for educational and research activities.

195.375. 1. A judge, upon proper oath or affirmation showing probable cause, may issue
2 warrants for controlled premises for the purpose of conducting administrative inspections
3 authorized by [sections 195.005 to 195.425] **this chapter**, and seizures of property appropriate
4 to the inspections. For purposes of the issuance of administrative inspection warrants, probable
5 cause exists upon showing a valid public interest in the effective enforcement of [sections
6 195.005 to 195.425] **this chapter** sufficient to justify administrative inspection of the area,
7 premises, building or conveyance in the circumstances specified in the application for the
8 warrant.

9 2. A warrant shall issue only upon an affidavit of a peace officer or an employee of the
10 department of health and senior services having knowledge of the facts alleged, sworn to before
11 the judge and establishing the grounds for issuing the warrant. If the judge is satisfied that
12 grounds for the application exist, he **or she** shall issue a warrant identifying the area, premises,
13 building or conveyance to be inspected, the purpose of the inspection, and if appropriate, the type
14 of property to be inspected, if any. The warrant shall:

15 (1) State the grounds for its issuance and the name of each person whose affidavit has
16 been taken in support thereof;

17 (2) Be directed to a peace officer or to an employee of the department of health and
18 senior services to execute it;

19 (3) Command the person to whom it is directed to inspect the area, premises, building
20 or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the
21 property specified;

- 22 (4) Identify the item or types of property to be seized, if any;
- 23 (5) Direct that it be served during normal business hours and designate the judge to
- 24 whom it shall be returned.
- 25 3. A warrant issued pursuant to this section shall be executed and returned within ten
- 26 days of its date unless, upon a showing of a need for additional time, the court orders otherwise.
- 27 If property is seized pursuant to a warrant, a copy shall be given to the person from whom or
- 28 from whose premises the property is taken, together with a receipt for the property taken. The
- 29 return of the warrant shall be made promptly, accompanied by a written inventory of any
- 30 property taken. The inventory shall be made in the presence of the person executing the warrant
- 31 and of the person from whose possession or premises the property was taken, if present, or in the
- 32 presence of at least one credible person other than the person executing the warrant. A copy of
- 33 the inventory shall be delivered to the person from whom or from whose premises the property
- 34 was taken and to the applicant for the warrant.
- 35 4. The judge who has issued a warrant shall attach thereto a copy of the return and all
- 36 papers returnable in connection therewith and file them with the clerk of the court which issued
- 37 the warrant. The department of health and senior services may make administrative inspections
- 38 of controlled premises in accordance with the following provisions:
- 39 (1) For purposes of this section only, "controlled premises" means:
- 40 (a) Places where persons registered or exempted from registration requirements under
- 41 [sections 195.005 to 195.425] **this chapter** are required to keep records; and
- 42 (b) Places including factories, warehouses, establishments, and conveyances in which
- 43 persons registered or exempted from registration requirements under [sections 195.005 to
- 44 195.425] **this chapter** are permitted to hold, manufacture, compound, process, sell, deliver, or
- 45 otherwise dispose of any controlled substance;
- 46 (2) When authorized by an administrative inspection warrant issued pursuant to this
- 47 section, an officer or employee designated by the department of health and senior services, upon
- 48 presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, may
- 49 enter controlled premises for the purpose of conducting an administrative inspection;
- 50 (3) When authorized by an administrative inspection warrant, an officer or employee
- 51 designated by the department of health and senior services may:
- 52 (a) Inspect and copy records required by [sections 195.005 to 195.425] **this chapter** to
- 53 be kept;
- 54 (b) Inspect, within reasonable limits and in a reasonable manner, controlled premises and
- 55 all pertinent equipment, finished and unfinished material, containers and labeling found therein,
- 56 and, except as provided in subdivision (5) of this subsection, all other things therein, including

57 records, files, papers, processes, controls, and facilities bearing on violation of [sections 195.005
58 to 195.425] **this chapter**; and

59 (c) Inventory any stock of any controlled substance therein and obtain samples thereof;

60 (4) This section does not prevent entries and administrative inspections, including
61 seizures of property, without a warrant:

62 (a) If the owner, operator, or agent in charge of the controlled premises consents;

63 (b) In situations presenting imminent danger to health or safety;

64 (c) In situations involving inspection of conveyances if there is reasonable cause to
65 believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

66 (d) In any other exceptional or emergency circumstance where time or opportunity to
67 apply for a warrant is lacking; or

68 (e) In all other situations in which a warrant is not constitutionally required;

69 (5) An inspection authorized by this section shall not extend to financial data, sales data,
70 other than shipment data, or pricing data unless the owner, operator, or agent in charge of the
71 controlled premises consents in writing;

72 (6) The department of health and senior services may obtain computerized controlled
73 substances dispensing information via printouts, disks, tapes or other state of the art means of
74 electronic data transfer.

75 5. Prescriptions, orders, and records, required by [sections 195.005 to 195.425] **this**
76 **chapter**, and stocks of controlled substances shall be open for inspection only to federal, state,
77 county, and municipal officers, whose duty it is to enforce the laws of this state or of the United
78 States relating to narcotic drugs. No officer having knowledge by virtue of his **or her** office of
79 any such prescription, order, or record shall divulge such knowledge, except in connection with
80 a prosecution or proceeding in court or before a licensing or registration board or officer, to
81 which prosecution or proceeding the person to whom such prescriptions, orders, or records relate
82 is a party.

195.417. 1. The limits specified in this section shall not apply to any quantity of such
2 product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy
3 pursuant to a valid prescription.

4 2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to
5 the same individual, and no person shall purchase, receive, or otherwise acquire more than the
6 following amount: any number of packages of any drug product containing any detectable
7 amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical
8 isomers, or salts of optical isomers, either as:

9 (1) The sole active ingredient; or

10 (2) One of the active ingredients of a combination drug; or

11 (3) A combination of any of the products specified in subdivisions (1) and (2) of this
12 subsection; in any total amount greater than nine grams, without regard to the number of
13 transactions.

14 3. Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered
15 pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no
16 person shall purchase, receive, or otherwise acquire more than the following amount: any
17 number of packages of any drug product containing any detectable amount of ephedrine,
18 phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of
19 optical isomers, either as:

20 (1) The sole active ingredient; or

21 (2) One of the active ingredients of a combination drug; or

22 (3) A combination of any of the products specified in subdivisions (1) and (2) of this
23 subsection; in any total amount greater than three and six-tenths grams without regard to the
24 number of transactions.

25 4. All packages of any compound, mixture, or preparation containing any detectable
26 quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical
27 isomers, or salts of optical isomers, except those that are excluded from Schedule V in
28 subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy
29 counter where the public is not permitted, and only by a registered pharmacist or registered
30 pharmacy technician under section 195.017.

31 5. Each pharmacy shall submit information regarding sales of any compound, mixture,
32 or preparation as specified in this section in accordance with transmission methods and
33 frequency established by the department by regulation.

34 6. This section shall supersede and preempt any local ordinances or regulations,
35 including any ordinances or regulations enacted by any political subdivision of the state. This
36 section shall not apply to the sale of any animal feed products containing ephedrine or any
37 naturally occurring or herbal ephedra or extract of ephedra.

38 7. All logs, records, documents, and electronic information maintained for the dispensing
39 of these products shall be open for inspection and copying by municipal, county, and state or
40 federal law enforcement officers whose duty it is to enforce the controlled substances laws of this
41 state or the United States.

42 8. Within thirty days of June 15, 2005, all persons who dispense or offer for sale
43 pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in
44 subsection 17 or 18 of section 195.017, shall ensure that all such products are located only
45 behind a pharmacy counter where the public is not permitted.

46 9. [Any person who knowingly or recklessly violates this section is guilty of a class A
47 misdemeanor.] **The penalty for a knowing or reckless violation of this section is found in**
48 **section 579.060.**

195.418. 1. The retail sale of methamphetamine precursor drugs shall be limited to:

2 (1) Sales in packages containing not more than a total of three grams of one or more
3 methamphetamine precursor drugs, calculated in terms of ephedrine base, pseudoephedrine base
4 and phenylpropanolamine base; and

5 (2) For nonliquid products, sales in blister packs, each blister containing not more than
6 two dosage units, or where the use of blister packs is technically infeasible, sales in unit dose
7 packets or pouches.

8 2. [Any person holding a retail sales license pursuant to chapter 144 who knowingly
9 violates subsection 1 of this section is guilty of a class A misdemeanor.

10 3. Any person who is considered the general owner or operator of the outlet where
11 ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who
12 violates subsection 1 of this section shall not be penalized pursuant to this section if such person
13 documents that an employee training program was in place to provide the employee with
14 information on the state and federal regulations regarding ephedrine, pseudoephedrine, or
15 phenylpropanolamine.] **The penalty for a knowing violation of subsection 1 of this section**
16 **is found in section 579.060.**

196.979. 1. Any person, including but not limited to a prescription drug manufacturer
2 or health care facility, may donate prescription drugs to the prescription drug repository program.
3 The drugs shall be donated at a pharmacy, hospital, or nonprofit clinic that elects to participate
4 in the prescription drug repository program and meets the criteria for participation established
5 by rule of the department pursuant to section 196.984. Participation in the program by
6 pharmacies, hospitals, and nonprofit clinics shall be voluntary. Nothing in sections 196.970 to
7 196.984 shall require any pharmacy, hospital, or nonprofit clinic to participate in the program.

8 2. A pharmacy, hospital, or nonprofit clinic which meets the eligibility requirements
9 established in section 196.984 may dispense prescription drugs donated under the program to
10 persons who are residents of Missouri and who meet the eligibility requirements of the program,
11 or to other governmental entities and nonprofit private entities to be dispensed to persons who
12 meet the eligibility requirements of the program. A prescription drug shall be dispensed only
13 pursuant to a prescription issued by a health care professional who is authorized by statute to
14 prescribe drugs. A pharmacy, hospital, or nonprofit clinic which accepts donated prescription
15 drugs shall comply with all applicable federal and state laws dealing with the storage and
16 distribution of dangerous drugs and shall inspect all prescription drugs prior to dispensing the
17 prescription drugs to determine that they are not adulterated as described in section 196.095. The

18 pharmacy, hospital, or nonprofit clinic may charge persons receiving donated prescription drugs
19 a handling fee, not to exceed a maximum of two hundred percent of the Medicaid dispensing fee,
20 established by rule of the department promulgated pursuant to section 196.984. Prescription
21 drugs donated to the program shall not be resold. Any individual who knowingly resells any
22 donated prescription drugs pursuant to sections 196.970 to 196.984 shall be guilty of a class [D]
23 E felony.

24 3. Drugs donated under this section that are not used or accepted by any pharmacy,
25 hospital, or nonprofit clinic in this state may be distributed to out-of-state charitable repositories
26 for use outside of this state. Such donated drugs may be repackaged in a manner appropriate for
27 distribution by participating pharmacies, hospitals, and nonprofit clinics.

197.266. Any hospice or employee of a hospice who knowingly abuses or neglects any
2 client, or misappropriates the property of any client, shall be guilty of a class [D] E felony.

197.326. 1. Any person who is paid either as part of his **or her** normal employment or
2 as a lobbyist to support or oppose any project before the health facilities review committee shall
3 register as a lobbyist pursuant to chapter 105 and shall also register with the staff of the health
4 facilities review committee for every project in which such person has an interest and indicate
5 whether such person supports or opposes the named project. The registration shall also include
6 the names and addresses of any person, firm, corporation or association that the person
7 registering represents in relation to the named project. Any person violating the provisions of
8 this subsection shall be subject to the penalties specified in section 105.478.

9 2. A member of the general assembly who also serves as a member of the health facilities
10 review committee is prohibited from soliciting or accepting campaign contributions from any
11 applicant or person speaking for an applicant or any opponent to any application or persons
12 speaking for any opponent while such application is pending before the health facilities review
13 committee.

14 3. Any person regulated by chapter 197 or 198 and any officer, attorney, agent and
15 employee thereof, shall not offer to any committee member or to any person employed as staff
16 to the committee, any office, appointment or position, or any present, gift, entertainment or
17 gratuity of any kind or any campaign contribution while such application is pending before the
18 health facilities review committee. Any person guilty of knowingly violating the provisions of
19 this section shall be punished as follows: For the first offense, such person is guilty of a class
20 B misdemeanor; and for the second and subsequent offenses, such person is guilty of a class [D]
21 E felony.

[660.250.] **197.1000.** As used in [sections 660.250 to 660.321] **sections 197.1000 to**
2 **197.1042**, the following terms mean:

- 3 (1) "Abuse", the infliction of physical, sexual, or emotional injury or harm including
4 financial exploitation by any person, firm or corporation;
- 5 (2) "Court", the circuit court;
- 6 (3) "Department", the department of health and senior services;
- 7 (4) "Director", director of the department of health and senior services or his or her
8 designees;
- 9 (5) "Eligible adult", a person sixty years of age or older who is unable to protect his or
10 her own interests or adequately perform or obtain services which are necessary to meet his or her
11 essential human needs or an adult with a disability, as defined in section 660.053, between the
12 ages of eighteen and fifty-nine who is unable to protect his or her own interests or adequately
13 perform or obtain services which are necessary to meet his or her essential human needs;
- 14 (6) "Home health agency", the same meaning as such term is defined in section 197.400;
- 15 (7) "Home health agency employee", a person employed by a home health agency;
- 16 (8) "Home health patient", an eligible adult who is receiving services through any home
17 health agency;
- 18 (9) "In-home services client", an eligible adult who is receiving services in his or her
19 private residence through any in-home services provider agency;
- 20 (10) "In-home services employee", a person employed by an in-home services provider
21 agency;
- 22 (11) "In-home services provider agency", a business entity under contract with the
23 department or with a Medicaid participation agreement, which employs persons to deliver any
24 kind of services provided for eligible adults in their private homes;
- 25 (12) "Least restrictive environment", a physical setting where protective services for the
26 eligible adult and accommodation is provided in a manner no more restrictive of an individual's
27 personal liberty and no more intrusive than necessary to achieve care and treatment objectives;
- 28 (13) "Likelihood of serious physical harm", one or more of the following:
- 29 (a) A substantial risk that physical harm to an eligible adult will occur because of his or
30 her failure or inability to provide for his or her essential human needs as evidenced by acts or
31 behavior which has caused such harm or which gives another person probable cause to believe
32 that the eligible adult will sustain such harm;
- 33 (b) A substantial risk that physical harm will be inflicted by an eligible adult upon
34 himself or herself, as evidenced by recent credible threats, acts, or behavior which has caused
35 such harm or which places another person in reasonable fear that the eligible adult will sustain
36 such harm;

37 (c) A substantial risk that physical harm will be inflicted by another upon an eligible
38 adult as evidenced by recent acts or behavior which has caused such harm or which gives another
39 person probable cause to believe the eligible adult will sustain such harm;

40 (d) A substantial risk that further physical harm will occur to an eligible adult who has
41 suffered physical injury, neglect, sexual or emotional abuse, or other maltreatment or wasting
42 of his or her financial resources by another person;

43 (14) "Neglect", the failure to provide services to an eligible adult by any person, firm or
44 corporation with a legal or contractual duty to do so, when such failure presents either an
45 imminent danger to the health, safety, or welfare of the client or a substantial probability that
46 death or serious physical harm would result;

47 (15) "Protective services", services provided by the state or other governmental or private
48 organizations or individuals which are necessary for the eligible adult to meet his or her essential
49 human needs.

**197.1002. 1. The following persons shall be required to immediately report or cause
2 a report to be made to the department under sections 197.1000 to 197.1028:**

3 **(1) Any person having reasonable cause to suspect that an eligible adult presents
4 a likelihood of suffering serious physical harm and is in need of protective services; and**

5 **(2) Any adult day care worker, chiropractor, Christian Science practitioner,
6 coroner, dentist, embalmer, employee of the departments of social services, mental health,
7 or health and senior services, employee of a local area agency on aging or an organized
8 area agency on aging program, funeral director, home health agency, home health agency
9 employee, hospital and clinic personnel engaged in the care or treatment of others, in-home
10 services owner or provider, in-home services operator or employee, law enforcement
11 officer, long-term care facility administrator or employee, medical examiner, medical
12 resident or intern, mental health professional, minister, nurse, nurse practitioner,
13 optometrist, other health practitioner, peace officer, pharmacist, physical therapist,
14 physician, physician's assistant, podiatrist, probation or parole officer, psychologist, social
15 worker, or other person with the responsibility for the care of a person sixty years of age
16 or older has reasonable cause to suspect that such a person has been subjected to abuse or
17 neglect or observes such a person being subjected to conditions or circumstances which
18 would reasonably result in abuse or neglect.**

19 **2. Any other person who becomes aware of circumstances that may reasonably be
20 expected to be the result of, or result in, abuse or neglect of a person sixty years of age or
21 older may report to the department.**

22 **3. The penalty for failing to report as required under subdivision (2) of subsection
23 1 of this section is provided under section 565.188.**

2 [660.255.] **197.1004.** 1. [Any person having reasonable cause to suspect that an eligible
3 adult presents a likelihood of suffering serious physical harm and is in need of protective services
4 shall report such information to the department.

5 2. The report] **A report made under section 197.1002** shall be made orally or in
6 writing. It shall include, if known:

7 (1) The name, age, and address of the eligible adult **or person subjected to abuse or**
8 **neglect;**

9 (2) The name and address of any person responsible for **care of** the eligible [adult's care]
10 **adult or person subjected to abuse or neglect;**

11 (3) The nature and extent of the **condition of the** eligible [adult's condition] **adult or**
12 **person subjected to abuse or neglect;** and

13 (4) Other relevant information.

14 [3.] **2.** Reports regarding persons determined not to be eligible adults as defined in
15 section 660.250 shall be referred to the appropriate state or local authorities.

16 [4.] **3.** The department shall maintain a statewide toll free phone number for receipt of
reports.

[660.260.] **197.1006.** Upon receipt of a report, the department shall make a prompt and
2 thorough investigation to determine whether or not an eligible adult is facing a likelihood of
3 serious physical harm and is in need of protective services. The department shall provide for any
4 of the following:

5 (1) Identification of the eligible adult and determination that the eligible adult is eligible
6 for services;

7 (2) Evaluation and diagnosis of the needs of eligible adults;

8 (3) Provision of social casework, counseling or referral to the appropriate local or state
9 authority;

10 (4) Assistance in locating and receiving alternative living arrangements as necessary;

11 (5) Assistance in locating and receiving necessary protective services; or

12 (6) The coordination and cooperation with other state agencies and public and private
13 agencies in exchange of information and the avoidance of duplication of services.

[660.261.] **197.1008.** Upon receipt of a report that an eligible adult between the ages of
2 eighteen and fifty-nine is facing a likelihood of serious physical harm, the department shall:

3 (1) Investigate or refer the report to appropriate law enforcement or state agencies; and

4 (2) Provide services or refer to local community or state agencies.

[565.186.] **197.1010.** The department of health and senior services shall investigate
2 incidents and reports of elder abuse **or neglect** using the procedures established in sections
3 [660.250 to 660.295] **197.1000 to 197.1025** and, upon substantiation of the report of elder abuse

4 **or neglect**, shall promptly report the incident to the appropriate law enforcement agency and
5 prosecutor and shall determine whether protective services are required pursuant to sections
6 [660.250 to 660.295] **197.1000 to 197.1025**. If the department is unable to substantiate whether
7 abuse **or neglect** occurred due to the failure of the operator or any of the operator's agents or
8 employees to cooperate with the investigation, the incident shall be promptly reported to
9 appropriate law enforcement agencies.

[565.190.] **197.1012**. Any person, official or institution complying with the provisions
2 of [section 565.188] **subdivision (2) of subsection 1 of section 197.1002** in the making of a
3 report, or in cooperating with the department in any of its activities [pursuant to sections 565.186
4 and 565.188] **under section 197.1010**, except any person, official or institution violating section
5 [565.180, 565.182 or] 565.184, shall be immune from any civil or criminal liability for making
6 such a report, or in cooperating with the department, unless such person acted negligently,
7 recklessly, in bad faith, or with malicious purpose.

[660.263.] **197.1014**. 1. Reports made pursuant to sections [660.250 to 660.295]
2 **197.1000 to 197.1028** shall be confidential and shall not be deemed a public record and shall not
3 be subject to the provisions of section 109.180 or chapter 610.

4 2. Such reports shall be accessible for examination and copying only to the following
5 persons or offices, or to their designees:

- 6 (1) The department or any person or agency designated by the department;
- 7 (2) The attorney general;
- 8 (3) The department of mental health for persons referred to that department;
- 9 (4) Any appropriate law enforcement agency; and
- 10 (5) The eligible adult or his legal guardian.

11 3. The name of the reporter shall not be disclosed unless:

- 12 (1) Such reporter specifically authorizes disclosure of his name; and
- 13 (2) The department determines that disclosure of the name of the reporter is necessary
14 in order to prevent further harm to an eligible adult.

15 4. Any person who violates the provisions of this section, or who permits or encourages
16 the unauthorized dissemination of information contained in the central registry and in reports and
17 records made pursuant to sections [660.250 to 660.295] **197.1000 to 197.1028**, shall be guilty
18 of a class A misdemeanor.

19 5. The department shall maintain a central registry capable of receiving and maintaining
20 reports received in a manner that facilitates rapid access and recall of the information reported,
21 and of subsequent investigations and other relevant information. The department shall
22 electronically record any telephone report of suspected abuse and neglect received by the

23 department and such recorded reports shall be retained by the department for a period of one year
24 after recording.

25 6. Although reports to the central registry may be made anonymously, the department
26 shall in all cases, after obtaining relevant information regarding the alleged abuse or neglect,
27 attempt to obtain the name and address of any person making a report.

[660.265.] **197.1016.** When an eligible adult gives consent to receive protective services,
2 the department shall assist the adult in locating and arranging for necessary services in the least
3 restrictive environment reasonably available.

[660.270.] **197.1018.** When the department receives a report that there has been abuse
2 or neglect, or that there otherwise is a likelihood of serious physical harm to an eligible adult and
3 that he or she is in need of protective services and the department is unable to conduct an
4 investigation because access to the eligible adult is barred by any person, the director may
5 petition the appropriate court for a warrant or other order to enter upon the described premises
6 and investigate the report or to produce the information. The application for the warrant or order
7 shall identify the eligible adult and the facts and circumstances which require the issuance of the
8 warrant or order. The director may also seek an order to enjoin the person from barring access
9 to an eligible adult or from interfering with the investigation. If the court finds that, based on
10 the report and relevant circumstances and facts, probable cause exists showing that the eligible
11 adult faces abuse or neglect, or otherwise faces a likelihood of serious physical harm and is in
12 need of protective services and the director has been prevented by another person from
13 investigating the report, the court may issue the warrant or enjoin the interference with the
14 investigation or both.

[660.275.] **197.1020.** If an eligible adult gives consent to receive protective services and
2 any other person interferes with or prevents the delivery of such services, the director may
3 petition the appropriate court for an order to enjoin the interference with the delivery of the
4 services. The petition shall allege the consent of the eligible adult and shall allege specific facts
5 sufficient to show that the eligible adult faces a likelihood of serious physical harm and is in need
6 of the protective services and that delivery is barred by the person named in the petition. If the
7 court finds upon a preponderance of evidence that the allegations in the petition are true, the
8 court may issue an order enjoining the interference with the delivery of the protective services
9 and may establish such conditions and restrictions on the delivery as the court deems necessary
10 and proper under the circumstances.

[660.280.] **197.1022.** When an eligible adult facing the likelihood of serious physical
2 harm and in need of protective services is unable to give consent because of incapacity or legal
3 disability and the guardian of the eligible adult refuses to provide the necessary services or allow
4 the provision of such services, the director shall inform the court having supervisory jurisdiction

5 over the guardian of the facts showing that the eligible adult faces the likelihood of serious
6 physical harm and is in need of protective services and that the guardian refuses to provide the
7 necessary services or allow the provision of such services under the provisions of sections
8 [660.250 to 660.295] **197.1000 to 197.1028**. Upon receipt of such information, the court may
9 take such action as it deems necessary and proper to insure that the eligible adult is able to meet
10 his essential human needs.

[660.285.] **197.1024**. 1. If the director determines after an investigation that an eligible
2 adult is unable to give consent to receive protective services and presents a likelihood of serious
3 physical harm, the director may initiate proceedings pursuant to chapter 202 or chapter 475, if
4 appropriate.

5 2. In order to expedite adult guardianship and conservatorship cases, the department may
6 retain, within existing funding sources of the department, legal counsel on a case-by-case basis.

[660.290.] **197.1026**. 1. When a peace officer has probable cause to believe that an
2 eligible adult will suffer an imminent likelihood of serious physical harm if not immediately
3 placed in a medical facility for care and treatment, that the adult is incapable of giving consent,
4 and that it is not possible to follow the procedures in section [660.285] **197.1024**, the officer may
5 transport, or arrange transportation for, the eligible adult to an appropriate medical facility which
6 may admit the eligible adult and shall notify the next of kin, if known, and the director.

7 2. Where access to the eligible adult is barred and a substantial likelihood exists of
8 serious physical harm resulting to the eligible adult if he is not immediately afforded protective
9 services, the peace officer may apply to the appropriate court for a warrant to enter upon the
10 described premises and remove the eligible adult. The application for the warrant shall identify
11 the eligible adult and the circumstances and facts which require the issuance of the warrant.

12 3. If immediately upon admission to a medical facility, a person who is legally
13 authorized to give consent for the provision of medical treatment for the eligible adult, has not
14 given or refused to give such consent, and it is the opinion of the medical staff of the facility that
15 treatment is necessary to prevent serious physical harm, the director or the head of the medical
16 facility shall file a petition in the appropriate court for an order authorizing specific medical
17 treatment. The court shall hold a hearing and issue its decision forthwith. Notwithstanding the
18 above, if a licensed physician designated by the facility for such purpose examines the eligible
19 adult and determines that the treatment is immediately or imminently necessary and any delay
20 occasioned by the hearing provided in this subsection would jeopardize the life of the person
21 affected, the medical facility may treat the eligible adult prior to such court hearing.

22 4. The court shall conduct a hearing pursuant to chapter 475 forthwith and, if the court
23 finds the eligible adult incapacitated, it shall appoint a guardian ad litem for the person of the
24 eligible adult to determine the nature and extent of the medical treatment necessary for the

25 benefit of the eligible adult and to supervise the rendition of such treatment. The guardian ad
26 litem shall promptly report the completion of treatment to the court, who shall thereupon conduct
27 a restoration hearing or a hearing to appoint a permanent guardian.

28 5. The medical care under this section may not be rendered in a mental health facility
29 unless authorized pursuant to the civil commitment procedures in chapter 632.

30 6. Nothing contained in this section or in any other section of sections [660.250 to
31 660.295] **197.1000 to 197.1028** shall be construed as requiring physician or medical care or
32 hospitalization of any person who, because of religious faith or conviction, relies on spiritual
33 means or prayer to cure or prevent disease or suffering nor shall any provision of sections
34 [660.250 to 660.295] **197.1000 to 197.1028** be construed so as to designate any person as an
35 eligible adult who presents a likelihood of suffering serious physical harm and is in need of
36 protective services solely because such person, because of religious faith or conviction, relies on
37 spiritual means or prayer to cure or prevent disease or suffering.

[660.295.] **197.1028.** If an eligible adult does not consent to the receipt of reasonable and
2 necessary protective services, or if an eligible adult withdraws previously given consent, the
3 protective services shall not be provided or continued; except that, if the director has reasonable
4 cause to believe that the eligible adult lacks the capacity to consent, the director may seek a court
5 order pursuant to the provisions of section [660.285] **197.1024.**

[660.300.] **197.1030.** 1. When any adult day care worker; chiropractor; Christian
2 Science practitioner; coroner; dentist; embalmer; employee of the departments of social services,
3 mental health, or health and senior services; employee of a local area agency on aging or an
4 organized area agency on aging program; funeral director; home health agency or home health
5 agency employee; hospital and clinic personnel engaged in examination, care, or treatment of
6 persons; in-home services owner, provider, operator, or employee; law enforcement officer;
7 long-term care facility administrator or employee; medical examiner; medical resident or intern;
8 mental health professional; minister; nurse; nurse practitioner; optometrist; other health
9 practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant;
10 podiatrist; probation or parole officer; psychologist; or social worker has reasonable cause to
11 believe that an in-home services client has been abused or neglected, as a result of in-home
12 services, he or she shall immediately report or cause a report to be made to the department. If
13 the report is made by a physician of the in-home services client, the department shall maintain
14 contact with the physician regarding the progress of the investigation.

15 2. When a report of deteriorating physical condition resulting in possible abuse or
16 neglect of an in-home services client is received by the department, the client's case manager and
17 the department nurse shall be notified. The client's case manager shall investigate and
18 immediately report the results of the investigation to the department nurse. The department may

19 authorize the in-home services provider nurse to assist the case manager with the investigation.

20 3. If requested, local area agencies on aging shall provide volunteer training to those
21 persons listed in subsection 1 of this section regarding the detection and report of abuse and
22 neglect pursuant to this section.

23 4. Any person required in subsection 1 of this section to report or cause a report to be
24 made to the department who fails to do so within a reasonable time after the act of abuse or
25 neglect is guilty of a class A misdemeanor.

26 5. The report shall contain the names and addresses of the in-home services provider
27 agency, the in-home services employee, the in-home services client, the home health agency, the
28 home health agency employee, information regarding the nature of the abuse or neglect, the name
29 of the complainant, and any other information which might be helpful in an investigation.

30 6. In addition to those persons required to report under subsection 1 of this section, any
31 other person having reasonable cause to believe that an in-home services client or home health
32 patient has been abused or neglected by an in-home services employee or home health agency
33 employee may report such information to the department.

34 7. If the investigation indicates possible abuse or neglect of an in-home services client
35 or home health patient, the investigator shall refer the complaint together with his or her report
36 to the department director or his or her designee for appropriate action. If, during the
37 investigation or at its completion, the department has reasonable cause to believe that immediate
38 action is necessary to protect the in-home services client or home health patient from abuse or
39 neglect, the department or the local prosecuting attorney may, or the attorney general upon
40 request of the department shall, file a petition for temporary care and protection of the in-home
41 services client or home health patient in a circuit court of competent jurisdiction. The circuit
42 court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order
43 granting the department authority for the temporary care and protection of the in-home services
44 client or home health patient, for a period not to exceed thirty days.

45 8. Reports shall be confidential, as provided under section [660.320] **197.1040**.

46 9. Anyone, except any person who has abused or neglected an in-home services client
47 or home health patient, who makes a report pursuant to this section or who testifies in any
48 administrative or judicial proceeding arising from the report shall be immune from any civil or
49 criminal liability for making such a report or for testifying except for liability for perjury, unless
50 such person acted negligently, recklessly, in bad faith, or with malicious purpose.

51 10. Within five working days after a report required to be made under this section is
52 received, the person making the report shall be notified in writing of its receipt and of the
53 initiation of the investigation.

54 11. No person who directs or exercises any authority in an in-home services provider
55 agency or home health agency shall harass, dismiss or retaliate against an in-home services client
56 or home health patient, or an in-home services employee or a home health agency employee
57 because he or any member of his or her family has made a report of any violation or suspected
58 violation of laws, standards or regulations applying to the in-home services provider agency or
59 home health agency or any in-home services employee or home health agency employee which
60 he has reasonable cause to believe has been committed or has occurred.

61 12. Any person who abuses or neglects an in-home services client or home health patient
62 is subject to criminal prosecution under section [565.180, 565.182, or] 565.184. If such person
63 is an in-home services employee and has been found guilty by a court, and if the supervising
64 in-home services provider willfully and knowingly failed to report known abuse by such
65 employee to the department, the supervising in-home services provider may be subject to
66 administrative penalties of one thousand dollars per violation to be collected by the department
67 and the money received therefor shall be paid to the director of revenue and deposited in the state
68 treasury to the credit of the general revenue fund. Any in-home services provider which has had
69 administrative penalties imposed by the department or which has had its contract terminated may
70 seek an administrative review of the department's action pursuant to chapter 621. Any decision
71 of the administrative hearing commission may be appealed to the circuit court in the county
72 where the violation occurred for a trial de novo. For purposes of this subsection, the term
73 "violation" means a determination of guilt by a court.

74 13. The department shall establish a quality assurance and supervision process for clients
75 that requires an in-home services provider agency to conduct random visits to verify compliance
76 with program standards and verify the accuracy of records kept by an in-home services employee.

77 14. The department shall maintain the employee disqualification list and place on the
78 employee disqualification list the names of any persons who have been finally determined by the
79 department, pursuant to section [660.315] **197.1036**, to have recklessly, knowingly or purposely
80 abused or neglected an in-home services client or home health patient while employed by an
81 in-home services provider agency or home health agency. For purposes of this section only,
82 "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section.
83 A person acts "knowingly" with respect to the person's conduct when a reasonable person should
84 be aware of the result caused by his or her conduct. A person acts "recklessly" when the person
85 consciously disregards a substantial and unjustifiable risk that the person's conduct will result
86 in serious physical injury and such disregard constitutes a gross deviation from the standard of
87 care that a reasonable person would exercise in the situation.

88 15. At the time a client has been assessed to determine the level of care as required by
89 rule and is eligible for in-home services, the department shall conduct a "Safe at Home

90 Evaluation" to determine the client's physical, mental, and environmental capacity. The
91 department shall develop the safe at home evaluation tool by rule in accordance with chapter
92 536. The purpose of the safe at home evaluation is to assure that each client has the appropriate
93 level of services and professionals involved in the client's care. The plan of service or care for
94 each in-home services client shall be authorized by a nurse. The department may authorize the
95 licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of
96 the client's condition and to establish a plan of services or care. The department may use the
97 expertise, services, or programs of other departments and agencies on a case-by-case basis to
98 establish the plan of service or care. The department may, as indicated by the safe at home
99 evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for
100 evaluation and treatment as necessary.

101 16. Authorized nurse visits shall occur at least twice annually to assess the client and the
102 client's plan of services. The provider nurse shall report the results of his or her visits to the
103 client's case manager. If the provider nurse believes that the plan of service requires alteration,
104 the department shall be notified and the department shall make a client evaluation. All
105 authorized nurse visits shall be reimbursed to the in-home services provider. All authorized
106 nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients
107 whose services have reached one hundred percent of the average statewide charge for care and
108 treatment in an intermediate care facility, provided that the services have been preauthorized by
109 the department.

110 17. All in-home services clients shall be advised of their rights by the department or the
111 department's designee at the initial evaluation. The rights shall include, but not be limited to, the
112 right to call the department for any reason, including dissatisfaction with the provider or services.
113 The department may contract for services relating to receiving such complaints. The department
114 shall establish a process to receive such nonabuse and neglect calls other than the elder abuse and
115 neglect hotline.

116 18. Subject to appropriations, all nurse visits authorized in sections [660.250 to 660.300]
117 **197.1000 to 197.1030** shall be reimbursed to the in-home services provider agency.

[660.305.] **197.1032.** 1. Any person having reasonable cause to believe that a
2 misappropriation of an in-home services client's property or funds, or the falsification of any
3 documents verifying service delivery to the in-home services client has occurred, may report
4 such information to the department.

5 2. For each report the department shall attempt to obtain the names and addresses of the
6 in-home services provider agency, the in-home services employee, the in-home services client,
7 information regarding the nature of the misappropriation or falsification, the name of the
8 complainant, and any other information which might be helpful in an investigation.

9 3. Any in-home services provider agency or in-home services employee who puts to his
10 or her own use or the use of the in-home services provider agency or otherwise diverts from the
11 in-home services client's use any personal property or funds of the in-home services client, or
12 falsifies any documents for service delivery, is guilty of a class A misdemeanor.

13 4. Upon receipt of a report, the department shall immediately initiate an investigation
14 and report information gained from such investigation to appropriate law enforcement
15 authorities.

16 5. If the investigation indicates probable misappropriation of property or funds, or
17 falsification of any documents for service delivery of an in-home services client, the investigator
18 shall refer the complaint together with the investigator's report to the department director or the
19 director's designee for appropriate action.

20 6. Reports shall be confidential, as provided under section [660.320] **197.1040**.

21 7. Anyone, except any person participating in or benefitting from the misappropriation
22 of funds, who makes a report pursuant to this section or who testifies in any administrative or
23 judicial proceeding arising from the report shall be immune from any civil or criminal liability
24 for making such a report or for testifying except for liability for perjury, unless such person acted
25 negligently, recklessly, in bad faith, or with malicious purpose.

26 8. Within five working days after a report required to be made under this section is
27 received, the person making the report shall be notified in writing of its receipt and of the
28 initiation of the investigation.

29 9. No person who directs or exercises any authority in an in-home services provider
30 agency shall harass, dismiss or retaliate against an in-home services client or employee because
31 he or she or any member of his or her family has made a report of any violation or suspected
32 violation of laws, ordinances or regulations applying to the in-home services provider agency or
33 any in-home services employee which he or she has reasonable cause to believe has been
34 committed or has occurred.

35 10. The department shall maintain the employee disqualification list and place on the
36 employee disqualification list the names of any persons who are or have been employed by an
37 in-home service provider agency and who have been finally determined by the department to,
38 pursuant to section [660.315] **197.1036**, have misappropriated any property or funds, or falsified
39 any documents for service delivery of an in-home services client and who came to be known to
40 the person, directly, or indirectly while employed by an in-home services provider agency.

[660.310.] **197.1034.** 1. Notwithstanding any other provision of law, if the department
2 of health and senior services proposes to deny, suspend, place on probation, or terminate an
3 in-home services provider agency contract, the department of health and senior services shall
4 serve upon the applicant or contractor written notice of the proposed action to be taken. The

5 notice shall contain a statement of the type of action proposed, the basis for it, the date the action
6 will become effective, and a statement that the applicant or contractor shall have thirty days from
7 the date of mailing or delivery of the notice to file a complaint requesting a hearing before the
8 administrative hearing commission. The administrative hearing commission may consolidate
9 an applicant's or contractor's complaint with any proceeding before the administrative hearing
10 commission filed by such contractor or applicant pursuant to subsection 3 of section 208.156
11 involving a common question of law or fact. Upon the filing of the complaint, the provisions
12 of sections 621.110, 621.120, 621.125, 621.135, and 621.145 shall apply. With respect to cases
13 in which the department has denied a contract to an in-home services provider agency, the
14 administrative hearing commission shall conduct a hearing to determine the underlying basis for
15 such denial. However, if the administrative hearing commission finds that the contract denial
16 is supported by the facts and the law, the case need not be returned to the department. The
17 administrative hearing commission's decision shall constitute affirmation of the department's
18 contract denial.

19 2. The department of health and senior services may issue letters of censure or warning
20 without formal notice or hearing.

21 3. The administrative hearing commission may stay the suspension or termination of an
22 in-home services provider agency's contract, or the placement of the contractor on probation,
23 pending the commission's findings and determination in the cause, upon such conditions, with
24 or without the agreement of the parties, as the commission deems necessary and appropriate,
25 including the posting of bond or other security except that the commission shall not grant a stay,
26 or if a stay has already been entered shall set aside its stay, unless the commission finds that the
27 contractor has established that servicing the department's clients pending the commission's final
28 determination would not present an imminent danger to the health, safety, or welfare of any
29 client or a substantial probability that death or serious physical harm would result. The
30 commission may remove the stay at any time that it finds that the contractor has violated any of
31 the conditions of the stay. Such stay shall remain in effect, unless earlier removed by the
32 commission, pending the decision of the commission and any subsequent departmental action
33 at which time the stay shall be removed. In any case in which the department has refused to issue
34 a contract, the commission shall have no authority to stay or to require the issuance of a contract
35 pending final determination by the commission.

36 4. Stays granted to contractors by the administrative hearing commission shall, as a
37 condition of the stay, require at a minimum that the contractor under the stay operate under the
38 same contractual requirements and regulations as are in effect, from time to time, as are
39 applicable to all other contractors in the program.

40 5. The administrative hearing commission shall make its final decision based upon the
41 circumstances and conditions as they existed at the time of the action of the department and not
42 based upon circumstances and conditions at the time of the hearing or decision of the
43 commission.

44 6. In any proceeding before the administrative hearing commission pursuant to this
45 section, the burden of proof shall be on the contractor or applicant seeking review.

46 7. Any person, including the department, aggrieved by a final decision of the
47 administrative hearing commission may seek judicial review of such decision as provided in
48 section 621.145.

 [660.315.] **197.1036.** 1. After an investigation and a determination has been made to
2 place a person's name on the employee disqualification list, that person shall be notified in
3 writing mailed to his or her last known address that:

4 (1) An allegation has been made against the person, the substance of the allegation and
5 that an investigation has been conducted which tends to substantiate the allegation;

6 (2) The person's name will be included in the employee disqualification list of the
7 department;

8 (3) The consequences of being so listed including the length of time to be listed; and

9 (4) The person's rights and the procedure to challenge the allegation.

10 2. If no reply has been received within thirty days of mailing the notice, the department
11 may include the name of such person on its list. The length of time the person's name shall
12 appear on the employee disqualification list shall be determined by the director or the director's
13 designee, based upon the criteria contained in subsection 9 of this section.

14 3. If the person so notified wishes to challenge the allegation, such person may file an
15 application for a hearing with the department. The department shall grant the application within
16 thirty days after receipt by the department and set the matter for hearing, or the department shall
17 notify the applicant that, after review, the allegation has been held to be unfounded and the
18 applicant's name will not be listed.

19 4. If a person's name is included on the employee disqualification list without the
20 department providing notice as required under subsection 1 of this section, such person may file
21 a request with the department for removal of the name or for a hearing. Within thirty days after
22 receipt of the request, the department shall either remove the name from the list or grant a
23 hearing and set a date therefor.

24 5. Any hearing shall be conducted in the county of the person's residence by the director
25 of the department or the director's designee. The provisions of chapter 536 for a contested case
26 except those provisions or amendments which are in conflict with this section shall apply to and
27 govern the proceedings contained in this section and the rights and duties of the parties involved.

28 The person appealing such an action shall be entitled to present evidence, pursuant to the
29 provisions of chapter 536, relevant to the allegations.

30 6. Upon the record made at the hearing, the director of the department or the director's
31 designee shall determine all questions presented and shall determine whether the person shall
32 be listed on the employee disqualification list. The director of the department or the director's
33 designee shall clearly state the reasons for his or her decision and shall include a statement of
34 findings of fact and conclusions of law pertinent to the questions in issue.

35 7. A person aggrieved by the decision following the hearing shall be informed of his or
36 her right to seek judicial review as provided under chapter 536. If the person fails to appeal the
37 director's findings, those findings shall constitute a final determination that the person shall be
38 placed on the employee disqualification list.

39 8. A decision by the director shall be inadmissible in any civil action brought against a
40 facility or the in-home services provider agency and arising out of the facts and circumstances
41 which brought about the employment disqualification proceeding, unless the civil action is
42 brought against the facility or the in-home services provider agency by the department of health
43 and senior services or one of its divisions.

44 9. The length of time the person's name shall appear on the employee disqualification
45 list shall be determined by the director of the department of health and senior services or the
46 director's designee, based upon the following:

47 (1) Whether the person acted recklessly or knowingly, as defined in chapter 562;

48 (2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the
49 imminent danger to the health, safety or welfare of a resident or in-home services client;

50 (3) The degree of misappropriation of the property or funds, or falsification of any
51 documents for service delivery of an in-home services client;

52 (4) Whether the person has previously been listed on the employee disqualification list;

53 (5) Any mitigating circumstances;

54 (6) Any aggravating circumstances; and

55 (7) Whether alternative sanctions resulting in conditions of continued employment are
56 appropriate in lieu of placing a person's name on the employee disqualification list. Such
57 conditions of employment may include, but are not limited to, additional training and employee
58 counseling. Conditional employment shall terminate upon the expiration of the designated
59 length of time and the person's submitting documentation which fulfills the department of health
60 and senior services' requirements.

61 10. The removal of any person's name from the list under this section shall not prevent
62 the director from keeping records of all acts finally determined to have occurred under this
63 section.

64 11. The department shall provide the list maintained pursuant to this section to other
65 state departments upon request and to any person, corporation, organization, or association who:
66 (1) Is licensed as an operator under chapter 198;
67 (2) Provides in-home services under contract with the department;
68 (3) Employs nurses and nursing assistants for temporary or intermittent placement in
69 health care facilities;
70 (4) Is approved by the department to issue certificates for nursing assistants training;
71 (5) Is an entity licensed under **this** chapter [197];
72 (6) Is a recognized school of nursing, medicine, or other health profession for the
73 purpose of determining whether students scheduled to participate in clinical rotations with
74 entities described in subdivision (1), (2), or (5) of this subsection are included in the employee
75 disqualification list; or
76 (7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act
77 that conducts employee background checks on behalf of entities listed in subdivisions (1), (2),
78 (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee
79 disqualification list check only upon the initiative or request of an entity described in
80 subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required
81 under this section. The information shall be disclosed only to the requesting entity. The
82 department shall inform any person listed above who inquires of the department whether or not
83 a particular name is on the list. The department may require that the request be made in writing.
84 No person, corporation, organization, or association who is entitled to access the employee
85 disqualification list may disclose the information to any person, corporation, organization, or
86 association who is not entitled to access the list. Any person, corporation, organization, or
87 association who is entitled to access the employee disqualification list who discloses the
88 information to any person, corporation, organization, or association who is not entitled to access
89 the list shall be guilty of an infraction.

90 12. No person, corporation, organization, or association who received the employee
91 disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly
92 employ any person who is on the employee disqualification list. Any person, corporation,
93 organization, or association who received the employee disqualification list under subdivisions
94 (1) to (7) of subsection 11 of this section, or any person responsible for providing health care
95 service, who declines to employ or terminates a person whose name is listed in this section shall
96 be immune from suit by that person or anyone else acting for or in behalf of that person for the
97 failure to employ or for the termination of the person whose name is listed on the employee
98 disqualification list.

13. Any employer who is required to discharge an employee because the employee was placed on a disqualification list maintained by the department of health and senior services after the date of hire shall not be charged for unemployment insurance benefits based on wages paid to the employee for work prior to the date of discharge, pursuant to section 288.100.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal.

[660.317.] **197.1038.** 1. For the purposes of this section, the term "provider" means any person, corporation or association who:

- (1) Is licensed as an operator pursuant to chapter 198;
- (2) Provides in-home services under contract with the department;
- (3) Employs nurses or nursing assistants for temporary or intermittent placement in health care facilities;
- (4) Is an entity licensed pursuant to chapter 197;
- (5) Is a public or private facility, day program, residential facility or specialized service operated, funded or licensed by the department of mental health; or
- (6) Is a licensed adult day care provider.

2. For the purpose of this section "patient or resident" has the same meaning as such term is defined in section 43.540.

3. Prior to allowing any person who has been hired as a full-time, part-time or temporary position to have contact with any patient or resident the provider shall, or in the case of temporary employees hired through or contracted for an employment agency, the employment agency shall prior to sending a temporary employee to a provider:

- (1) Request a criminal background check as provided in section 43.540. Completion of an inquiry to the highway patrol for criminal records that are available for disclosure to a provider for the purpose of conducting an employee criminal records background check shall be deemed to fulfill the provider's duty to conduct employee criminal background checks pursuant to this section; except that, completing the inquiries pursuant to this subsection shall not be construed to exempt a provider from further inquiry pursuant to common law requirements

23 governing due diligence. If an applicant has not resided in this state for five consecutive years
24 prior to the date of his or her application for employment, the provider shall request a nationwide
25 check for the purpose of determining if the applicant has a prior criminal history in other states.
26 The fingerprint cards and any required fees shall be sent to the highway patrol's central
27 repository. The first set of fingerprints shall be used for searching the state repository of criminal
28 history information. If no identification is made, the second set of fingerprints shall be
29 forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of
30 the federal criminal history files. The patrol shall notify the submitting state agency of any
31 criminal history information or lack of criminal history information discovered on the individual.
32 The provisions relating to applicants for employment who have not resided in this state for five
33 consecutive years shall apply only to persons who have no employment history with a licensed
34 Missouri facility during that five-year period. Notwithstanding the provisions of section
35 610.120, all records related to any criminal history information discovered shall be accessible
36 and available to the provider making the record request; and

37 (2) Make an inquiry to the department of health and senior services whether the person
38 is listed on the employee disqualification list as provided in section [660.315] **197.1036**.

39 4. When the provider requests a criminal background check pursuant to section 43.540,
40 the requesting entity may require that the applicant reimburse the provider for the cost of such
41 record check. When a provider requests a nationwide criminal background check pursuant to
42 subdivision (1) of subsection 3 of this section, the total cost to the provider of any background
43 check required pursuant to this section shall not exceed five dollars which shall be paid to the
44 state. State funding and the obligation of a provider to obtain a nationwide criminal background
45 check shall be subject to the availability of appropriations.

46 5. An applicant for a position to have contact with patients or residents of a provider
47 shall:

48 (1) Sign a consent form as required by section 43.540 so the provider may request a
49 criminal records review;

50 (2) Disclose the applicant's criminal history. For the purposes of this subdivision
51 "criminal history" includes any conviction or a plea of guilty to a misdemeanor or felony charge
52 and shall include any suspended imposition of sentence, any suspended execution of sentence
53 or any period of probation or parole; and

54 (3) Disclose if the applicant is listed on the employee disqualification list as provided
55 in section [660.315] **197.1036**.

56 6. An applicant who knowingly fails to disclose his or her criminal history as required
57 in subsection 5 of this section is guilty of a class A misdemeanor. A provider is guilty of a class
58 A misdemeanor if the provider knowingly hires or retains a person to have contact with patients

59 or residents and the person has been convicted of, pled guilty to or nolo contendere in this state
60 or any other state or has been found guilty of a crime, which if committed in Missouri would be
61 a class A or B felony violation of chapter 565, 566 or 569, or any violation of subsection 3 of
62 section 198.070 or section 568.020.

63 7. Any in-home services provider agency or home health agency shall be guilty of a class
64 A misdemeanor if such agency knowingly employs a person to provide in-home services or home
65 health services to any in-home services client or home health patient and such person either
66 refuses to register with the family care safety registry or is listed on any of the background check
67 lists in the family care safety registry pursuant to sections 210.900 to 210.937.

68 8. The highway patrol shall examine whether protocols can be developed to allow a
69 provider to request a statewide fingerprint criminal records review check through local law
70 enforcement agencies.

71 9. A provider may use a private investigatory agency rather than the highway patrol to
72 do a criminal history records review check, and alternatively, the applicant pays the private
73 investigatory agency such fees as the provider and such agency shall agree.

74 10. Except for the hiring restriction based on the department of health and senior services
75 employee disqualification list established pursuant to section [660.315] **197.1036**, the department
76 of health and senior services shall promulgate rules and regulations to waive the hiring
77 restrictions pursuant to this section for good cause. For purposes of this section, "good cause"
78 means the department has made a determination by examining the employee's prior work history
79 and other relevant factors that such employee does not present a risk to the health or safety of
80 residents.

[660.320.] **197.1040.** 1. Reports confidential under section 198.070 and sections
2 [660.300 to 660.315] **197.1030 to 197.1036** shall not be deemed a public record and shall not
3 be subject to the provisions of section 109.180 or chapter 610. The name of the complainant or
4 any person mentioned in the reports shall not be disclosed unless:

5 (1) The complainant, resident or the in-home services client mentioned agrees to
6 disclosure of his or her name;

7 (2) The department determines that disclosure is necessary in order to prevent further
8 abuse, neglect, misappropriation of property or funds, or falsification of any documents verifying
9 service delivery to an in-home services client;

10 (3) Release of a name is required for conformance with a lawful subpoena;

11 (4) Release of a name is required in connection with a review by the administrative
12 hearing commission in accordance with section 198.039;

13 (5) The department determines that release of a name is appropriate when forwarding
14 a report of findings of an investigation to a licensing authority; or

15 (6) Release of a name is requested by the division of family services for the purpose of
16 licensure under chapter 210.

17 2. The department shall, upon request, provide to the division of employment security
18 within the department of labor and industrial relations copies of the investigative reports that led
19 to an employee being placed on the disqualification list.

[660.321.] **197.1042.** Notwithstanding any other provision of law, the department shall
2 not disclose personally identifiable medical, social, personal, or financial records of any eligible
3 adult being served by the division of senior services except when disclosed in a manner that does
4 not identify the eligible adult, or when ordered to do so by a court of competent jurisdiction.
5 Such records shall be accessible without court order for examination and copying only to the
6 following persons or offices, or to their designees:

7 (1) The department or any person or agency designated by the department for such
8 purposes as the department may determine;

9 (2) The attorney general, to perform his or her constitutional or statutory duties;

10 (3) The department of mental health for residents placed through that department, to
11 perform its constitutional or statutory duties;

12 (4) Any appropriate law enforcement agency, to perform its constitutional or statutory
13 duties;

14 (5) The eligible adult, his or her legal guardian or any other person designated by the
15 eligible adult; and

16 (6) The department of social services for individuals who receive Medicaid benefits, to
17 perform its constitutional or statutory duties.

198.015. 1. No person shall establish, conduct or maintain a residential care facility,
2 assisted living facility, intermediate care facility, or skilled nursing facility in this state without
3 a valid license issued by the department. Any person violating this subsection is guilty of a class
4 A misdemeanor. Any person violating this subsection wherein abuse or neglect of a resident of
5 the facility has occurred is guilty of a class [D] E felony. The department of health and senior
6 services shall investigate any complaint concerning operating unlicensed facilities. For
7 complaints alleging abuse or neglect, the department shall initiate an investigation within
8 twenty-four hours. All other complaints regarding unlicensed facilities shall be investigated
9 within forty-five days.

10 2. If the department determines the unlicensed facility is in violation of sections 198.006
11 to 198.186, the department shall immediately notify the local prosecuting attorney or attorney
12 general's office.

13 3. Each license shall be issued only for the premises and persons named in the
14 application. A license, unless sooner revoked, shall be issued for a period of up to two years, in
15 order to coordinate licensure with certification in accordance with section 198.045.

16 4. If during the period in which a license is in effect, a licensed operator which is a
17 partnership, limited partnership, or corporation undergoes any of the following changes, or a new
18 corporation, partnership, limited partnership or other entity assumes operation of a facility
19 whether by one or by more than one action, the current operator shall notify the department of
20 the intent to change operators and the succeeding operator shall within ten working days of such
21 change apply for a new license:

22 (1) With respect to a partnership, a change in the majority interest of general partners;

23 (2) With respect to a limited partnership, a change in the general partner or in the
24 majority interest of limited partners;

25 (3) With respect to a corporation, a change in the persons who own, hold or have the
26 power to vote the majority of any class of securities issued by the corporation.

27 5. Licenses shall be posted in a conspicuous place on the licensed premises.

28 6. Any license granted shall state the maximum resident capacity for which granted, the
29 person or persons to whom granted, the date, the expiration date, and such additional information
30 and special limitations as the department by rule may require.

31 7. The department shall notify the operator at least sixty days prior to the expiration of
32 an existing license of the date that the license application is due. Application for a license shall
33 be made to the department at least thirty days prior to the expiration of any existing license.

34 8. The department shall grant an operator a temporary operating permit in order to allow
35 for state review of the application and inspection for the purposes of relicensure if the application
36 review and inspection process has not been completed prior to the expiration of a license and the
37 operator is not at fault for the failure to complete the application review and inspection process.

38 9. The department shall grant an operator a temporary operating permit of sufficient
39 duration to allow the department to evaluate any application for a license submitted as a result
40 of any change of operator.

198.070. 1. When any adult day care worker; chiropractor; Christian Science
2 practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental
3 health, or health and senior services; employee of a local area agency on aging or an organized
4 area agency on aging program; funeral director; home health agency or home health agency
5 employee; hospital and clinic personnel engaged in examination, care, or treatment of persons;
6 in-home services owner, provider, operator, or employee; law enforcement officer; long-term
7 care facility administrator or employee; medical examiner; medical resident or intern; mental
8 health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner;

9 peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist;
10 probation or parole officer; psychologist; social worker; or other person with the care of a person
11 sixty years of age or older or an eligible adult has reasonable cause to believe that a resident of
12 a facility has been abused or neglected, he or she shall immediately report or cause a report to
13 be made to the department.

14 2. The report shall contain the name and address of the facility, the name of the resident,
15 information regarding the nature of the abuse or neglect, the name of the complainant, and any
16 other information which might be helpful in an investigation.

17 3. Any person required in subsection 1 of this section to report or cause a report to be
18 made to the department who knowingly fails to make a report within a reasonable time after the
19 act of abuse or neglect as required in this subsection is guilty of a class A misdemeanor.

20 4. In addition to the penalties imposed by this section, any administrator who knowingly
21 conceals any act of abuse or neglect resulting in death or serious physical injury, as defined in
22 section [565.002] **556.061**, is guilty of a class [D] **E** felony.

23 5. In addition to those persons required to report pursuant to subsection 1 of this section,
24 any other person having reasonable cause to believe that a resident has been abused or neglected
25 may report such information to the department.

26 6. Upon receipt of a report, the department shall initiate an investigation within
27 twenty-four hours and, as soon as possible during the course of the investigation, shall notify the
28 resident's next of kin or responsible party of the report and the investigation and further notify
29 them whether the report was substantiated or unsubstantiated unless such person is the alleged
30 perpetrator of the abuse or neglect. As provided in section [565.186] **197.1010**, substantiated
31 reports of elder abuse shall be promptly reported by the department to the appropriate law
32 enforcement agency and prosecutor.

33 7. If the investigation indicates possible abuse or neglect of a resident, the investigator
34 shall refer the complaint together with the investigator's report to the department director or the
35 director's designee for appropriate action. If, during the investigation or at its completion, the
36 department has reasonable cause to believe that immediate removal is necessary to protect the
37 resident from abuse or neglect, the department or the local prosecuting attorney may, or the
38 attorney general upon request of the department shall, file a petition for temporary care and
39 protection of the resident in a circuit court of competent jurisdiction. The circuit court in which
40 the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the
41 department authority for the temporary care and protection of the resident, for a period not to
42 exceed thirty days.

43 8. Reports shall be confidential, as provided pursuant to section [660.320] **197.1040**.

44 9. Anyone, except any person who has abused or neglected a resident in a facility, who
45 makes a report pursuant to this section or who testifies in any administrative or judicial
46 proceeding arising from the report shall be immune from any civil or criminal liability for
47 making such a report or for testifying except for liability for perjury, unless such person acted
48 negligently, recklessly, in bad faith or with malicious purpose. It is a crime [pursuant to section
49 565.186 and 565.188] **under section 565.189** for any person to purposely file a false report of
50 elder abuse or neglect.

51 10. Within five working days after a report required to be made pursuant to this section
52 is received, the person making the report shall be notified in writing of its receipt and of the
53 initiation of the investigation.

54 11. No person who directs or exercises any authority in a facility shall evict, harass,
55 dismiss or retaliate against a resident or employee because such resident or employee or any
56 member of such resident's or employee's family has made a report of any violation or suspected
57 violation of laws, ordinances or regulations applying to the facility which the resident, the
58 resident's family or an employee has reasonable cause to believe has been committed or has
59 occurred. Through the existing department information and referral telephone contact line,
60 residents, their families and employees of a facility shall be able to obtain information about their
61 rights, protections and options in cases of eviction, harassment, dismissal or retaliation due to
62 a report being made pursuant to this section.

63 12. Any person who abuses or neglects a resident of a facility is subject to criminal
64 prosecution under section [565.180, 565.182, or] 565.184.

65 13. The department shall maintain the employee disqualification list and place on the
66 employee disqualification list the names of any persons who are or have been employed in any
67 facility and who have been finally determined by the department pursuant to section [660.315]
68 **197.1036** to have knowingly or recklessly abused or neglected a resident. For purposes of this
69 section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in
70 this section. A person acts "knowingly" with respect to the person's conduct when a reasonable
71 person should be aware of the result caused by his or her conduct. A person acts "recklessly"
72 when the person consciously disregards a substantial and unjustifiable risk that the person's
73 conduct will result in serious physical injury and such disregard constitutes a gross deviation
74 from the standard of care that a reasonable person would exercise in the situation.

75 14. The timely self-reporting of incidents to the central registry by a facility shall
76 continue to be investigated in accordance with department policy, and shall not be counted or
77 reported by the department as a hot-line call but rather a self-reported incident. If the
78 self-reported incident results in a regulatory violation, such incident shall be reported as a
79 substantiated report.

198.097. 1. Any person who assumes the responsibility of managing the financial affairs of an elderly or disabled person who is a resident of any facility licensed under this chapter is guilty of a class [D] E felony if such person misappropriates the funds and fails to pay for the facility care of the elderly or disabled person. For purposes of this subsection, a person assumes the responsibility of managing the financial affairs of an elderly person when he or she receives, has access to, handles, or controls the elderly or disabled person's monetary funds, including but not limited to Social Security income, pension, cash, or other resident income.

2. Evidence of misappropriating funds and failure to pay for the care of an elderly or disabled person may include but not be limited to proof that the facility has sent, by certified mail with confirmation receipt requested, notification of failure to pay facility care expenses incurred by a resident to the person who has assumed responsibility of managing the financial affairs of the resident.

3. Nothing in subsection 2 of this section shall be construed as limiting the investigations or prosecutions of violations of subsection 1 of this section or the crime of financial exploitation of an elderly or disabled person as defined by section 570.145.

198.158. 1. A person committing any act in violation of any provision of sections 198.139 to 198.155 is guilty of a class [D] E felony.

2. A vendor or health care provider convicted of a criminal violation of sections 198.139 to 198.155 shall be prohibited from receiving future moneys under Medicaid or from providing services under Medicaid for or on behalf of any other health care provider. However, the director of the department or his **or her** designee shall review this prohibition upon the petition of a vendor or health care provider so convicted and, for good cause shown, may reinstate the vendor or health care provider as being eligible to receive funds under Medicaid. The decision of the director or his **or her** designee shall be made in writing after the director of the fraud investigation division is allowed the opportunity to state his **or her** position concerning such petition.

3. A vendor or health care provider committing any act or omission in violation of sections 198.139 to 198.155 shall be civilly liable to the state for any moneys obtained under Medicaid as a result of such act or omission.

205.965. 1. Counties, state agencies, issuing agencies, retail food outlets, wholesale food concerns, banks and all persons who participate in or administer any part of the distribution program of surplus agricultural commodities or a food stamp plan shall comply with all state and federal laws, rules and regulations applicable to such program or plans and shall be subject to inspection and audit by the division of family services with respect to the operation of the program or plan.

7 2. To the extent authorized by federal law, all food stamp vendors shall be approved and
8 licensed by the division of family services. The division may promulgate rules and regulations
9 necessary to administer the provisions of this section. The division shall set the amount of the
10 fees for licensing food stamp vendors at a level to produce revenue which shall not substantially
11 exceed the cost and expense of administering the provisions of this section. An action may be
12 brought by the department to temporarily or permanently enjoin or restrain any violation of this
13 subsection or the regulations applicable thereto. Any action brought under the provisions of this
14 subsection shall be heard by the court within no more than twenty days after the action has been
15 filed and service made upon the vendor. Any person who in any way conducts business as a food
16 stamp vendor without approval and license by the division of family services shall be guilty of
17 a class A misdemeanor. A second offense within five years after the first conviction shall be a
18 class [D] E felony.

19 3. No rule or portion of a rule promulgated under the authority of this chapter shall
20 become effective unless it has been promulgated pursuant to the provisions of section 536.024.

210.117. 1. A child taken into the custody of the state shall not be reunited with a parent
2 or placed in a home in which the parent or any person residing in the home has been found guilty
3 of, or pled guilty to, any of the following offenses when a child was the victim:

4 (1) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,
5 566.067, 566.068, **566.069**, 566.070, **566.071**, 566.083, 566.090, 566.100, 566.111, 566.151,
6 566.203, 566.206, 566.209, 566.212, or 566.215;

7 (2) A violation of section 568.020;

8 (3) A violation of subdivision (2) of subsection 1 of section 568.060;

9 (4) A violation of section 568.065;

10 (5) A violation of section 568.080;

11 (6) A violation of section 568.090; or

12 (7) A violation of section 568.175.

13 2. For all other violations of offenses in chapters 566 and 568 not specifically listed in
14 subsection 1 of this section or for a violation of an offense committed in another state when a
15 child is the victim that would be a violation of chapter 566 or 568, if committed in Missouri, the
16 division may exercise its discretion regarding the placement of a child taken into the custody of
17 the state in which a parent or any person residing in the home has been found guilty of, or pled
18 guilty to, any such offense.

19 3. In any case where the children's division determines based on a substantiated report
20 of child abuse that a child has abused another child, the abusing child shall be prohibited from
21 returning to or residing in any residence, facility, or school within one thousand feet of the
22 residence of the abused child or any child care facility or school that the abused child attends,

23 unless and until a court of competent jurisdiction determines that the alleged abuse did not occur
24 or the abused child reaches the age of eighteen, whichever earlier occurs. The provisions of this
25 subsection shall not apply when the abusing child and the abused child are siblings or children
26 living in the same home.

210.165. 1. Any person violating any provision of sections 210.110 to 210.165 is guilty
2 of a class A misdemeanor.

3 2. Any person who intentionally files a false report of child abuse or neglect shall be
4 guilty of a class A misdemeanor.

5 3. Every person who has been previously convicted of making a false report to the
6 division of family services and who is subsequently convicted of making a false report under
7 subsection 2 of this section is guilty of a class [D] E felony and shall be punished as provided
8 by law.

9 4. Evidence of prior convictions of false reporting shall be heard by the court, out of the
10 hearing of the jury, prior to the submission of the case to the jury, and the court shall determine
11 the existence of the prior convictions.

211.038. 1. A child under the jurisdiction of the juvenile court shall not be reunited with
2 a parent or placed in a home in which the parent or any person residing in the home has been
3 found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

4 (1) A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,
5 566.067, 566.068, **566.069**, 566.070, **566.071**, 566.083, 566.090, 566.100, 566.111, 566.151,
6 566.203, 566.206, 566.209, 566.212, or 566.215;

7 (2) A violation of section 568.020;

8 (3) A violation of subdivision (2) of subsection 1 of section 568.060;

9 (4) A violation of section 568.065;

10 (5) A violation of section 568.080;

11 (6) A violation of section 568.090; or

12 (7) A violation of section 568.175.

13 2. For all other violations of offenses in chapters 566 and 568 not specifically listed in
14 subsection 1 of this section or for a violation of an offense committed in another state when a
15 child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the
16 juvenile court may exercise its discretion regarding the placement of a child under the
17 jurisdiction of the juvenile court in a home in which a parent or any person residing in the home
18 has been found guilty of, or pled guilty to, any such offense.

19 3. If the juvenile court determines that a child has abused another child, such abusing
20 child shall be prohibited from returning to or residing in any residence located within one
21 thousand feet of the residence of the abused child, or any child care facility or school that the

22 abused child attends, until the abused child reaches eighteen years of age. The prohibitions of
23 this subsection shall not apply where the alleged abuse occurred between siblings or children
24 living in the same home.

211.071. 1. If a petition alleges that a child between the ages of twelve and seventeen
2 has committed an offense which would be considered a felony if committed by an adult, the court
3 may, upon its own motion or upon motion by the juvenile officer, the child or the child's
4 custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be
5 transferred to the court of general jurisdiction and prosecuted under the general law; except that
6 if a petition alleges that any child has committed an offense which would be considered first
7 degree murder under section 565.020, second degree murder under section 565.021, first degree
8 assault under section 565.050, [forcible] rape **in the first degree** under section 566.030,
9 [forcible] sodomy **in the first degree** under section 566.060, first degree robbery under section
10 569.020, or distribution of drugs under section 195.211, or has committed two or more prior
11 unrelated offenses which would be felonies if committed by an adult, the court shall order a
12 hearing, and may in its discretion, dismiss the petition and transfer the child to a court of general
13 jurisdiction for prosecution under the general law.

14 2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly
15 committed by any person between seventeen and twenty-one years of age over whom the juvenile
16 court has retained continuing jurisdiction shall automatically terminate and that offense shall be
17 dealt with in the court of general jurisdiction as provided in section 211.041.

18 3. Knowing and willful age misrepresentation by a juvenile subject shall not affect any
19 action or proceeding which occurs based upon the misrepresentation. Any evidence obtained
20 during the period of time in which a child misrepresents his or her age may be used against the
21 child and will be subject only to rules of evidence applicable in adult proceedings.

22 4. Written notification of a transfer hearing shall be given to the juvenile and his or her
23 custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the
24 hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the
25 hearing is to determine whether the child is a proper subject to be dealt with under the provisions
26 of this chapter, and that if the court finds that the child is not a proper subject to be dealt with
27 under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the
28 child under the general law.

29 5. The juvenile officer may consult with the office of prosecuting attorney concerning
30 any offense for which the child could be certified as an adult under this section. The prosecuting
31 or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile
32 officer, statements of witnesses and all other records or reports relating to the offense alleged to
33 have been committed by the child. The prosecuting or circuit attorney shall have access to the

34 disposition records of the child when the child has been adjudicated pursuant to subdivision (3)
35 of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information
36 regarding the child and the offense until the juvenile court at a judicial hearing has determined
37 that the child is not a proper subject to be dealt with under the provisions of this chapter.

38 6. A written report shall be prepared in accordance with this chapter developing fully all
39 available information relevant to the criteria which shall be considered by the court in
40 determining whether the child is a proper subject to be dealt with under the provisions of this
41 chapter and whether there are reasonable prospects of rehabilitation within the juvenile justice
42 system. These criteria shall include but not be limited to:

43 (1) The seriousness of the offense alleged and whether the protection of the community
44 requires transfer to the court of general jurisdiction;

45 (2) Whether the offense alleged involved viciousness, force and violence;

46 (3) Whether the offense alleged was against persons or property with greater weight
47 being given to the offense against persons, especially if personal injury resulted;

48 (4) Whether the offense alleged is a part of a repetitive pattern of offenses which
49 indicates that the child may be beyond rehabilitation under the juvenile code;

50 (5) The record and history of the child, including experience with the juvenile justice
51 system, other courts, supervision, commitments to juvenile institutions and other placements;

52 (6) The sophistication and maturity of the child as determined by consideration of his
53 home and environmental situation, emotional condition and pattern of living;

54 (7) The age of the child;

55 (8) The program and facilities available to the juvenile court in considering disposition;

56 (9) Whether or not the child can benefit from the treatment or rehabilitative programs
57 available to the juvenile court; and

58 (10) Racial disparity in certification.

59 7. If the court dismisses the petition to permit the child to be prosecuted under the
60 general law, the court shall enter a dismissal order containing:

61 (1) Findings showing that the court had jurisdiction of the cause and of the parties;

62 (2) Findings showing that the child was represented by counsel;

63 (3) Findings showing that the hearing was held in the presence of the child and his
64 counsel; and

65 (4) Findings showing the reasons underlying the court's decision to transfer jurisdiction.

66 8. A copy of the petition and order of the dismissal shall be sent to the prosecuting
67 attorney.

68 9. When a petition has been dismissed thereby permitting a child to be prosecuted under
69 the general law, the jurisdiction of the juvenile court over that child is forever terminated, except

70 as provided in subsection 10 of this section, for an act that would be a violation of a state law or
71 municipal ordinance.

72 10. If a petition has been dismissed thereby permitting a child to be prosecuted under the
73 general law and the child is found not guilty by a court of general jurisdiction, the juvenile court
74 shall have jurisdiction over any later offense committed by that child which would be considered
75 a misdemeanor or felony if committed by an adult, subject to the certification provisions of this
76 section.

77 11. If the court does not dismiss the petition to permit the child to be prosecuted under
78 the general law, it shall set a date for the hearing upon the petition as provided in section
79 211.171.

211.447. 1. Any information that could justify the filing of a petition to terminate
2 parental rights may be referred to the juvenile officer by any person. The juvenile officer shall
3 make a preliminary inquiry and if it does not appear to the juvenile officer that a petition should
4 be filed, such officer shall so notify the informant in writing within thirty days of the referral.
5 Such notification shall include the reasons that the petition will not be filed. Thereupon, the
6 informant may bring the matter directly to the attention of the judge of the juvenile court by
7 presenting the information in writing, and if it appears to the judge that the information could
8 justify the filing of a petition, the judge may order the juvenile officer to take further action,
9 including making a further preliminary inquiry or filing a petition.

10 2. Except as provided for in subsection 4 of this section, a petition to terminate the
11 parental rights of the child's parent or parents shall be filed by the juvenile officer or the division,
12 or if such a petition has been filed by another party, the juvenile officer or the division shall seek
13 to be joined as a party to the petition, when:

14 (1) Information available to the juvenile officer or the division establishes that the child
15 has been in foster care for at least fifteen of the most recent twenty-two months; or

16 (2) A court of competent jurisdiction has determined the child to be an abandoned infant.
17 For purposes of this subdivision, an "infant" means any child one year of age or under at the time
18 of filing of the petition. The court may find that an infant has been abandoned if:

19 (a) The parent has left the child under circumstances that the identity of the child was
20 unknown and could not be ascertained, despite diligent searching, and the parent has not come
21 forward to claim the child; or

22 (b) The parent has, without good cause, left the child without any provision for parental
23 support and without making arrangements to visit or communicate with the child, although able
24 to do so; or

25 (3) A court of competent jurisdiction has determined that the parent has:

26 (a) Committed murder of another child of the parent; or

- 27 (b) Committed voluntary manslaughter of another child of the parent; or
28 (c) Aided or abetted, attempted, conspired or solicited to commit such a murder or
29 voluntary manslaughter; or
30 (d) Committed a felony assault that resulted in serious bodily injury to the child or to
31 another child of the parent.
- 32 3. A termination of parental rights petition shall be filed by the juvenile officer or the
33 division, or if such a petition has been filed by another party, the juvenile officer or the division
34 shall seek to be joined as a party to the petition, within sixty days of the judicial determinations
35 required in subsection 2 of this section, except as provided in subsection 4 of this section.
36 Failure to comply with this requirement shall not deprive the court of jurisdiction to adjudicate
37 a petition for termination of parental rights which is filed outside of sixty days.
- 38 4. If grounds exist for termination of parental rights pursuant to subsection 2 of this
39 section, the juvenile officer or the division may, but is not required to, file a petition to terminate
40 the parental rights of the child's parent or parents if:
- 41 (1) The child is being cared for by a relative; or
42 (2) There exists a compelling reason for determining that filing such a petition would
43 not be in the best interest of the child, as documented in the permanency plan which shall be
44 made available for court review; or
45 (3) The family of the child has not been provided such services as provided for in section
46 211.183.
- 47 5. The juvenile officer or the division may file a petition to terminate the parental rights
48 of the child's parent when it appears that one or more of the following grounds for termination
49 exist:
- 50 (1) The child has been abandoned. For purposes of this subdivision a "child" means any
51 child over one year of age at the time of filing of the petition. The court shall find that the child
52 has been abandoned if, for a period of six months or longer:
- 53 (a) The parent has left the child under such circumstances that the identity of the child
54 was unknown and could not be ascertained, despite diligent searching, and the parent has not
55 come forward to claim the child; or
56 (b) The parent has, without good cause, left the child without any provision for parental
57 support and without making arrangements to visit or communicate with the child, although able
58 to do so;
- 59 (2) The child has been abused or neglected. In determining whether to terminate parental
60 rights pursuant to this subdivision, the court shall consider and make findings on the following
61 conditions or acts of the parent:

- 62 (a) A mental condition which is shown by competent evidence either to be permanent
63 or such that there is no reasonable likelihood that the condition can be reversed and which
64 renders the parent unable to knowingly provide the child the necessary care, custody and control;
- 65 (b) Chemical dependency which prevents the parent from consistently providing the
66 necessary care, custody and control of the child and which cannot be treated so as to enable the
67 parent to consistently provide such care, custody and control;
- 68 (c) A severe act or recurrent acts of physical, emotional or sexual abuse toward the child
69 or any child in the family by the parent, including an act of incest, or by another under
70 circumstances that indicate that the parent knew or should have known that such acts were being
71 committed toward the child or any child in the family; or
- 72 (d) Repeated or continuous failure by the parent, although physically or financially able,
73 to provide the child with adequate food, clothing, shelter, or education as defined by law, or other
74 care and control necessary for the child's physical, mental, or emotional health and development.
75 Nothing in this subdivision shall be construed to permit discrimination on the basis of disability
76 or disease;
- 77 (3) The child has been under the jurisdiction of the juvenile court for a period of one
78 year, and the court finds that the conditions which led to the assumption of jurisdiction still
79 persist, or conditions of a potentially harmful nature continue to exist, that there is little
80 likelihood that those conditions will be remedied at an early date so that the child can be returned
81 to the parent in the near future, or the continuation of the parent-child relationship greatly
82 diminishes the child's prospects for early integration into a stable and permanent home. In
83 determining whether to terminate parental rights under this subdivision, the court shall consider
84 and make findings on the following:
- 85 (a) The terms of a social service plan entered into by the parent and the division and the
86 extent to which the parties have made progress in complying with those terms;
- 87 (b) The success or failure of the efforts of the juvenile officer, the division or other
88 agency to aid the parent on a continuing basis in adjusting his circumstances or conduct to
89 provide a proper home for the child;
- 90 (c) A mental condition which is shown by competent evidence either to be permanent
91 or such that there is no reasonable likelihood that the condition can be reversed and which
92 renders the parent unable to knowingly provide the child the necessary care, custody and control;
- 93 (d) Chemical dependency which prevents the parent from consistently providing the
94 necessary care, custody and control over the child and which cannot be treated so as to enable
95 the parent to consistently provide such care, custody and control; or
- 96 (4) The parent has been found guilty or pled guilty to a felony violation of chapter 566
97 when the child or any child in the family was a victim, or a violation of section 568.020 when

98 the child or any child in the family was a victim. As used in this subdivision, a "child" means
99 any person who was under eighteen years of age at the time of the crime and who resided with
100 such parent or was related within the third degree of consanguinity or affinity to such parent; or

101 (5) The child was conceived and born as a result of an act of [forcible] rape **in the first**
102 **degree**. When the biological father has pled guilty to, or is convicted of, the [forcible] rape **in**
103 **the first degree** of the birth mother, such a plea or conviction shall be conclusive evidence
104 supporting the termination of the biological father's parental rights; or

105 (6) The parent is unfit to be a party to the parent and child relationship because of a
106 consistent pattern of committing a specific abuse, including but not limited to abuses as defined
107 in section 455.010, child abuse or drug abuse before the child or of specific conditions directly
108 relating to the parent and child relationship either of which are determined by the court to be of
109 a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care
110 appropriately for the ongoing physical, mental or emotional needs of the child. It is presumed
111 that a parent is unfit to be a party to the parent-child relationship upon a showing that within a
112 three-year period immediately prior to the termination adjudication, the parent's parental rights
113 to one or more other children were involuntarily terminated pursuant to subsection 2 or 4 of this
114 section or subdivisions (1), (2), (3) or (4) of subsection 5 of this section or similar laws of other
115 states.

116 6. The juvenile court may terminate the rights of a parent to a child upon a petition filed
117 by the juvenile officer or the division, or in adoption cases, by a prospective parent, if the court
118 finds that the termination is in the best interest of the child and when it appears by clear, cogent
119 and convincing evidence that grounds exist for termination pursuant to subsection 2, 4 or 5 of
120 this section.

121 7. When considering whether to terminate the parent-child relationship pursuant to
122 subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of subsection 5 of this section,
123 the court shall evaluate and make findings on the following factors, when appropriate and
124 applicable to the case:

125 (1) The emotional ties to the birth parent;

126 (2) The extent to which the parent has maintained regular visitation or other contact with
127 the child;

128 (3) The extent of payment by the parent for the cost of care and maintenance of the child
129 when financially able to do so including the time that the child is in the custody of the division
130 or other child-placing agency;

131 (4) Whether additional services would be likely to bring about lasting parental
132 adjustment enabling a return of the child to the parent within an ascertainable period of time;

133 (5) The parent's disinterest in or lack of commitment to the child;

(6) The conviction of the parent of a felony offense that the court finds is of such a nature that the child will be deprived of a stable home for a period of years; provided, however, that incarceration in and of itself shall not be grounds for termination of parental rights;

(7) Deliberate acts of the parent or acts of another of which the parent knew or should have known that subjects the child to a substantial risk of physical or mental harm.

8. The court may attach little or no weight to infrequent visitations, communications, or contributions. It is irrelevant in a termination proceeding that the maintenance of the parent-child relationship may serve as an inducement for the parent's rehabilitation.

9. In actions for adoption pursuant to chapter 453, the court may hear and determine the issues raised in a petition for adoption containing a prayer for termination of parental rights filed with the same effect as a petition permitted pursuant to subsection 2, 4, or 5 of this section.

10. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability or disease and harm to the child.

214.410. 1. Any cemetery operator who shall willfully violate any provisions of sections 214.270 to 214.410 for which no penalty is otherwise prescribed shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed five hundred dollars or shall be confined not more than six months or both.

2. Any cemetery operator who shall willfully violate any provision of section 214.320, 214.330, 214.335, 214.340, 214.360, 214.385, or 214.387 shall be deemed guilty of a class [D] E felony and upon conviction thereof shall be fined a sum not to exceed ten thousand dollars or shall be confined not more than five years or both. This section shall not apply to cemeteries or cemetery associations which do not sell lots in the cemetery.

3. Any trustee who shall willfully violate any applicable provisions of sections 214.270 to 214.410 shall have committed an unsafe and unsound banking practice and shall be penalized as authorized by chapters 361 and 362. This subsection shall be enforced exclusively by the Missouri division of finance for state chartered institutions and the Missouri attorney general for federally chartered institutions.

4. Any person who shall willfully violate any provision of section 214.320, 214.330, 214.335, 214.340, 214.360 or 214.385 or violates any rule, regulation or order of the division may, in accordance with the regulations issued by the division, be assessed an administrative penalty by the division. The penalty shall not exceed five thousand dollars for each violation and each day of the continuing violation shall be deemed a separate violation for purposes of administrative penalty assessment. However, no administrative penalty may be assessed until the person charged with the violation has been given the opportunity for a hearing on the

22 violation. Penalty assessments received shall be deposited in the endowed care cemetery audit
23 fund created in section 193.265.

217.010. As used in this chapter and chapter 558, unless the context clearly indicates
2 otherwise, the following terms shall mean:

3 (1) "Administrative segregation unit", a cell for the segregation of offenders from the
4 general population of a facility for relatively extensive periods of time;

5 (2) "Board", the board of probation and parole;

6 (3) "Chief administrative officer", the institutional head of any correctional facility or
7 his designee;

8 (4) "Correctional center", any premises or institution where incarceration, evaluation,
9 care, treatment, or rehabilitation is provided to persons who are under the department's authority;

10 (5) "Department", the department of corrections of the state of Missouri;

11 (6) "Director", the director of the department of corrections or his designee;

12 (7) "Disciplinary segregation", a cell for the segregation of offenders from the general
13 population of a correctional center because the offender has been found to have committed a
14 violation of a division or facility rule and other available means are inadequate to regulate the
15 offender's behavior;

16 (8) "Division", a statutorily created agency within the department or an agency created
17 by the departmental organizational plan;

18 (9) "Division director", the director of a division of the department or his designee;

19 (10) "Local volunteer community board", a board of qualified local community
20 volunteers selected by the court for the purpose of working in partnership with the court and the
21 department of corrections in a reparative probation program;

22 (11) "Nonviolent offender", any offender who is convicted of a crime other than murder
23 in the first or second degree, involuntary manslaughter, kidnapping, [forcible] rape **in the first**
24 **degree**, [forcible] sodomy **in the first degree**, robbery in the first degree or assault in the first
25 degree;

26 (12) "Offender", a person under supervision or an inmate in the custody of the
27 department;

28 (13) "Probation", a procedure under which a defendant found guilty of a crime upon
29 verdict or plea is released by the court without imprisonment, subject to conditions imposed by
30 the court and subject to the supervision of the board;

31 (14) "Volunteer", any person who, of his own free will, performs any assigned duties for
32 the department or its divisions with no monetary or material compensation.

217.360. 1. It shall be an offense for any person to knowingly deliver, attempt to deliver, have in his **or her** possession, deposit or conceal in or about the premises of any correctional center, or city or county jail, or private prison or jail:

(1) Any controlled substance as that term is defined by law, except upon the written prescription of a licensed physician, dentist, or veterinarian;

(2) Any other alkaloid of any controlled substance, any spirituous or malt liquor, or any intoxicating liquor as defined in section 311.020;

(3) Any article or item of personal property which an offender is prohibited by law or by rule and regulation of the division from receiving or possessing;

(4) Any gun, knife, weapon, or other article or item of personal property that may be used in such manner as to endanger the safety or security of the correctional center, or city or county jail, or private prison or jail or as to endanger the life or limb of any offender or employee of such a center.

2. The violation of subdivision (1) of subsection 1 of this section shall be a class [C] **D** felony; the violation of subdivision (2) of subsection 1 of this section shall be a class [D] **E** felony; the violation of subdivision (3) of subsection 1 of this section shall be a class A misdemeanor; and the violation of subdivision (4) of subsection 1 of this section shall be a class B felony.

3. Any person who has been found guilty of or has pled guilty to a violation of subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to expungement of the record of the violation. The procedure to expunge the record shall be pursuant to section 610.123. The record of any person shall not be expunged if such person has been found guilty of or has pled guilty to knowingly delivering, attempting to deliver, having in his **or her** possession, or depositing or concealing any alkaloid of any controlled substance in or about the premises of any correctional center, or city or county jail, or private prison or jail.

217.385. 1. No offender shall knowingly commit violence to an employee of the department or to another offender housed in a department correctional center. Violation of this subsection shall be a class B felony.

2. No offender shall knowingly damage any building or other property owned or operated by the department. Violation of this subsection shall be a class [C] **D** felony.

217.400. 1. A person commits the crime of furnishing unfit food to offenders if he does any of the following:

(1) Knowingly furnishes or delivers any diseased, putrid or otherwise unwholesome meat from any animal or fowl that was diseased or otherwise unfit for food to any correctional center operated or funded by the department;

6 (2) Knowingly furnishes or delivers any other unwholesome food, vegetables or
7 provisions whatsoever to such correctional centers to be used as food by the offenders in such
8 correctional centers;

9 (3) Knowingly receives or consents to receive as an employee of such correctional center
10 any diseased or unwholesome meat, food or provisions.

11 2. Furnishing unfit food to offenders is a class [D] **E** felony.

217.405. 1. Except as provided in subsection 3 of this section, a person commits the
2 crime of "offender abuse" if he knowingly injures the physical well-being of any offender under
3 the jurisdiction of the department by beating, striking, wounding or by sexual contact with such
4 person.

5 2. Offender abuse is a class [C] **D** felony.

6 3. No employee of the department shall use any physical force on an offender except the
7 employee shall have the right to use such physical force as is necessary to defend himself **or**
8 **herself**, suppress an individual or group revolt or insurrection, enforce discipline or to secure the
9 offender.

217.542. 1. An offender of the department released to the house arrest program commits
2 the crime of failure to return to house arrest if he **or she** purposely fails to return to his **or her**
3 place of residence or activity authorized by subsection 3 of section 217.541 when he **or she** is
4 required to do so.

5 2. Failure to return to house arrest is a class [D] **E** felony.

217.543. 1. The jailer of any city not within a county having custody of pretrial
2 detainees or persons serving sentences for violation of state or local laws may establish a
3 program of house arrest consistent with the provisions of this section.

4 2. Such jailer shall by rule establish a program of house arrest. Such jailer may extend
5 the limits of confinement for pretrial detainees or persons serving sentences for violation of state
6 or local laws.

7 3. The inmate or detainee shall remain an inmate of such jailer and shall be subject to
8 the rules and regulations of the house arrest program.

9 4. Such jailer shall require the inmate or detainee to participate in work or educational
10 or vocational programs and other activities that may be necessary to the supervision and
11 treatment of the inmate or detainee.

12 5. An inmate or detainee released to house arrest shall be authorized to leave his **or her**
13 place of residence only for the purpose and time necessary to participate in the programs and
14 activities authorized.

15 6. Such jailer shall supervise every inmate or detainee released to the house arrest
16 program and shall verify compliance with the requirements set forth for each person so released

17 and such other rules and regulations that such jailer shall promulgate, and may do so by remote
18 electronic surveillance. Such jailer may direct to any peace officer the return of any inmate or
19 detainee from house arrest for violation of the conditions of release.

20 7. Each inmate or detainee who is released on house arrest shall pay a percentage of his
21 **or her** wages to cover the costs of house arrest, such amount to be established by the jailer.

22 8. An inmate released to the house arrest program pursuant to this section commits the
23 crime of escape from custody if such inmate purposely fails to return to his **or her** place of
24 residence or activity as established by the jailer when he **or she** is required to do so. Escape from
25 custody is a class [D] E felony.

217.692. 1. Notwithstanding any other provision of law to the contrary, any offender
2 incarcerated in a correctional institution serving any sentence of life with no parole for fifty years
3 or life without parole, whose plea of guilt was entered or whose trial commenced prior to
4 December 31, 1990, and who:

5 (1) Pleaded guilty to or was found guilty of a homicide of a spouse or domestic partner;

6 (2) Has no prior violent felony convictions;

7 (3) No longer has a cognizable legal claim or legal recourse; and

8 (4) Has a history of being a victim of continual and substantial physical or sexual
9 domestic violence that was not presented as an affirmative defense at trial or sentencing and such
10 history can be corroborated with evidence of facts or circumstances which existed at the time of
11 the alleged physical or sexual domestic violence of the offender, including but not limited to
12 witness statements, hospital records, social services records, and law enforcement records; shall
13 be eligible for parole after having served fifteen years of such sentence when the board
14 determines by using the guidelines established by this section that there is a strong and
15 reasonable probability that the person will not thereafter violate the law.

16 2. The board of probation and parole shall give a thorough review of the case history and
17 prison record of any offender described in subsection 1 of this section. At the end of the board's
18 review, the board shall provide the offender with a copy of a statement of reasons for its parole
19 decision.

20 3. Any offender released under the provisions of this section shall be under the
21 supervision of the parole board for an amount of time to be determined by the board.

22 4. The parole board shall consider, but not be limited to the following criteria when
23 making its parole decision:

24 (1) Length of time served;

25 (2) Prison record and self-rehabilitation efforts;

26 (3) Whether the history of the case included corroborative material of physical, sexual,
27 mental, or emotional abuse of the offender, including but not limited to witness statements,
28 hospital records, social service records, and law enforcement records;

29 (4) If an offer of a plea bargain was made and if so, why the offender rejected or
30 accepted the offer;

31 (5) Any victim information outlined in subsection 7 of section 217.690 and section
32 595.209;

33 (6) The offender's continued claim of innocence;

34 (7) The age and maturity of the offender at the time of the board's decision;

35 (8) The age and maturity of the offender at the time of the crime and any contributing
36 influence affecting the offender's judgment;

37 (9) The presence of a workable parole plan; and

38 (10) Community and family support.

39 5. Nothing in this section shall limit the review of any offender's case who is eligible for
40 parole prior to fifteen years, nor shall it limit in any way the parole board's power to grant parole
41 prior to fifteen years.

42 6. Nothing in this section shall limit the review of any offender's case who has applied
43 for executive clemency, nor shall it limit in any way the governor's power to grant clemency.

44 7. It shall be the responsibility of the offender to petition the board for a hearing under
45 this section.

46 8. A person commits the crime of perjury if he or she, with the purpose to deceive,
47 knowingly makes a false witness statement to the board. Perjury under this section shall be a
48 class [C] **D** felony.

49 9. In cases where witness statements alleging physical or sexual domestic violence are
50 in conflict as to whether such violence occurred or was continual and substantial in nature, the
51 history of such alleged violence shall be established by other corroborative evidence in addition
52 to witness statements, as provided by subsection 1 of this section. A contradictory statement of
53 the victim shall not be deemed a conflicting statement for purposes of this section.

217.703. 1. The division of probation and parole shall award earned compliance credits
2 to any offender who is:

3 (1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise
4 found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;

5 (2) On probation, parole, or conditional release for an offense listed in chapter [195] **579**
6 or for a class C, [or] D, **or E** felony, excluding the offenses of aggravated stalking, sexual
7 assault, deviate sexual assault, assault in the second degree under subdivision (2) of subsection
8 1 of section 565.060, sexual misconduct involving a child, endangering the welfare of a child in

9 the first degree under subdivision (2) of subsection 1 of section 568.045, incest, invasion of
10 privacy, and abuse of a child;

11 (3) Supervised by the board; and

12 (4) In compliance with the conditions of supervision imposed by the sentencing court or
13 board.

14 2. If an offender was placed on probation, parole, or conditional release for an offense
15 of:

16 (1) Involuntary manslaughter in the first degree;

17 (2) Involuntary manslaughter in the second degree;

18 (3) Assault in the second degree except under subdivision (2) of subsection 1 of section
19 565.060;

20 (4) Domestic assault in the second degree;

21 (5) Assault of a law enforcement officer in the second degree;

22 (6) Statutory rape in the second degree;

23 (7) Statutory sodomy in the second degree;

24 (8) Endangering the welfare of a child in the first degree under subdivision (1) of
25 subsection 1 of section 568.045; or

26 (9) Any case in which the defendant is found guilty of a felony offense under chapter 571,
27 the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney,
28 make a finding that the offender is ineligible to earn compliance credits because the nature and
29 circumstances of the offense or the history and character of the offender indicate that a longer
30 term of probation, parole, or conditional release is necessary for the protection of the public or
31 the guidance of the offender. The motion may be made any time prior to the first month in which
32 the person may earn compliance credits under this section. The offender's ability to earn credits
33 shall be suspended until the court or board makes its finding. If the court or board finds that the
34 offender is eligible for earned compliance credits, the credits shall begin to accrue on the first
35 day of the next calendar month following the issuance of the decision.

36 3. Earned compliance credits shall reduce the term of probation, parole, or conditional
37 release by thirty days for each full calendar month of compliance with the terms of supervision.
38 Credits shall begin to accrue for eligible offenders after the first full calendar month of
39 supervision or on October 1, 2012, if the offender began a term of probation, parole, or
40 conditional release before September 1, 2012.

41 4. For the purposes of this section, the term "compliance" shall mean the absence of an
42 initial violation report submitted by a probation or parole officer during a calendar month, or a
43 motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against the
44 offender.

45 5. Credits shall not accrue during any calendar month in which a violation report has been
46 submitted or a motion to revoke or motion to suspend has been filed, and shall be suspended
47 pending the outcome of a hearing, if a hearing is held. If no hearing is held or the court or board
48 finds that the violation did not occur, then the offender shall be deemed to be in compliance and
49 shall begin earning credits on the first day of the next calendar month following the month in
50 which the report was submitted or the motion was filed. All earned credits shall be rescinded if
51 the court or board revokes the probation or parole or the court places the offender in a
52 department program under subsection 4 of section 559.036. Earned credits shall continue to be
53 suspended for a period of time during which the court or board has suspended the term of
54 probation, parole, or release, and shall begin to accrue on the first day of the next calendar month
55 following the lifting of the suspension.

56 6. Offenders who are deemed by the division to be absconders shall not earn credits. For
57 purposes of this subsection, "absconder" shall mean an offender under supervision who has left
58 such offender's place of residency without the permission of the offender's supervising officer
59 for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder
60 when such offender is available for active supervision.

61 7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination
62 of time served in custody, if applicable, time served on probation, parole, or conditional release,
63 and earned compliance credits satisfy the total term of probation, parole, or conditional release,
64 the board or sentencing court shall order final discharge of the offender, so long as the offender
65 has completed at least two years of his or her probation or parole, which shall include any time
66 served in custody under section 217.718 and sections 559.036 and 559.115.

67 8. The award or rescission of any credits earned under this section shall not be subject
68 to appeal or any motion for postconviction relief.

69 9. At least twice a year, the division shall calculate the number of months the offender
70 has remaining on his or her term of probation, parole, or conditional release, taking into
71 consideration any earned compliance credits, and notify the offender of the length of the
72 remaining term.

73 10. No less than sixty days before the date of final discharge, the division shall notify the
74 sentencing court, the board, and, for probation cases, the circuit or prosecuting attorney of the
75 impending discharge. If the sentencing court, the board, or the circuit or prosecuting attorney
76 upon receiving such notice does not take any action under subsection 5 of this section, the
77 offender shall be discharged under subsection 7 of this section.

221.025. 1. As an alternative to confinement, an individual may be placed on electronic
2 monitoring pursuant to subsection 1 of section 544.455 or subsection 6 of section 557.011, with
3 such terms and conditions as a court shall deem just and appropriate under the circumstances.

2. A judge may, in his or her discretion, credit any such period of electronic monitoring against any period of confinement or incarceration ordered, however, electronic monitoring shall not be considered to be in custody or incarceration for purposes of eligibility for the MO HealthNet program, nor shall it be considered confinement in a correctional center or private or county jail for purposes of determining responsibility for the individual's health care.

3. This section shall not authorize a court to place an individual on electronic monitoring in lieu of the required imprisonment, community service, or court-ordered treatment program involving community service, if that individual is a prior, persistent, aggravated, [or] chronic, **or habitual** offender sentenced pursuant to section [577.023] **577.001**.

221.111. 1. No person shall knowingly deliver, attempt to deliver, have in such person's possession, deposit or conceal in or about the premises of any county or private jail or other county correctional facility:

(1) Any controlled substance as that term is defined by law, except upon the written prescription of a licensed physician, dentist, or veterinarian;

(2) Any other alkaloid of any kind or any spiritous or malt liquor;

(3) Any article or item of personal property which a prisoner is prohibited by law or rule made pursuant to section 221.060 from receiving or possessing, except as herein provided;

(4) Any gun, knife, weapon, or other article or item of personal property that may be used in such manner as to endanger the safety or security of the institution or as to endanger the life or limb of any prisoner or employee thereof.

2. The violation of subdivision (1) of subsection 1 of this section shall be a class [C] **D** felony; the violation of subdivision (2) of this section shall be a class [D] **E** felony; the violation of subdivision (3) of this section shall be a class A misdemeanor; and the violation of subdivision (4) of this section shall be a class B felony.

3. The chief operating officer of a county jail or other county correctional facility or the administrator of a private jail may deny visitation privileges to or refer to the county prosecuting attorney for prosecution any person who knowingly delivers, attempts to deliver, has in such person's possession, deposits or conceals in or about the premises of such jail or facility any personal item which is prohibited by rule or regulation of such jail or facility. Such rules or regulations, including a list of personal items allowed in the jail or facility, shall be prominently posted for viewing both inside and outside such jail or facility in an area accessible to any visitor, and shall be made available to any person requesting such rule or regulation. Violation of this subsection shall be an infraction if not covered by other statutes.

221.353. 1. A person commits the crime of damage to jail property if such person knowingly damages any city, county, or private jail building or other jail property.

3 2. A person commits the crime of damage to jail property if such person knowingly starts
4 a fire in any city, county, or private jail building or other jail property.

5 3. Damage to jail property is a class [D] E felony.

252.235. The sale, taking for sale or possession for sale of any species of fish or wildlife,
2 or parts thereof, which shall include eggs, which have been taken or possessed in violation of the
3 rules and regulations of the commission, is prohibited. Any person violating the provisions of
4 this section shall be guilty of a class A misdemeanor for the first offense if the sale amounts to
5 less than five hundred dollars. Any person violating the provisions of this section shall be guilty
6 of a class [D] E felony for the second and subsequent offense if the sale amounts to less than five
7 hundred dollars. Any person violating the provisions of this section shall be guilty of a class [C]
8 D felony for the first and all subsequent offenses if the sale amounts to five hundred dollars or
9 more. "Sale" means the exchange of an amount of money, other negotiable instruments, or
10 property of value received by the person or persons selling the prohibited species. "Sale", for
11 purposes of this section, shall also mean the intention to exchange an amount of money, other
12 negotiable instruments or property of value for a prohibited species. For the purposes of this
13 section "property" is defined by section 570.010 and value shall be ascertained as set forth in
14 section 570.020.

253.080. 1. The director of the department of natural resources may construct, establish
2 and operate suitable public services, privileges, conveniences and facilities on any land, site or
3 object under the department's jurisdiction and control, and may charge and collect reasonable
4 fees for the use of the same. The director may charge reasonable fees for supplying services on
5 state park areas. Any facilities so constructed under this provision shall only be done by
6 appropriated funds.

7 2. The director may award by contract to any suitable person, persons, corporation or
8 association the right to construct, establish and operate public services, privileges, conveniences
9 and facilities on any land, site or object under the department's control for a period not to exceed
10 twenty-five years with a renewal option, and may supervise and regulate any and all charges and
11 fees of operations by private enterprise for supplying services and operating facilities on state
12 park areas.

13 3. All contracts awarded under this section shall be entered into upon the basis of
14 competitive sealed bids. A sworn financial statement shall accompany each bid, and all contracts
15 shall be let by the director at a regular meeting after public notice of the time of the letting. All
16 bids submitted prior to the opening of the meeting shall be considered. Advertisements for bids
17 in daily or weekly newspapers shall be made by the director. The director shall accept the bid
18 most favorable to the state from a responsible and reputable person but may, for good cause,
19 reject any bid.

20 4. The director shall not enter into a contract or a renewal for a contract as provided in
21 subsection 2 of this section for a period in excess of ten years unless the director determines that
22 the extended contract period is necessary to allow the contractor to make substantial capital or
23 other improvements to the site subject to the contract and such improvements are of sufficient
24 value to the state to necessitate the longer contract term.

25 5. A good and sufficient bond conditioned upon the faithful performance of the contract
26 and compliance with this law shall be required of all contractors, except that if the contractor
27 states he is unable to provide a bond, the contractor shall place a cash reserve in an escrow
28 account in an amount proportional to the volume of the contractor's business on the lands
29 controlled by the department of natural resources.

30 6. Any person who contracts under this section with the state shall keep true and accurate
31 records of his receipts and disbursements arising out of the performance of the contract and shall
32 permit the division of parks and recreation of the department of natural resources and the state
33 director of revenue to audit them. The division of parks and recreation of the department of
34 natural resources and the state director of revenue shall audit the receipts and disbursement of
35 each contract once every two years and upon the expiration of the contract. For the purpose of
36 subsection 5 of this section and this subsection, no contract shall be deemed to extend to
37 operations or management in more than one state park.

38 **7. No person shall be permitted to offer or advertise merchandise or other goods for**
39 **sale or hire, or to maintain any concession, or use any park facilities, buildings, trails,**
40 **roads or other state park property for commercial use except by written permission or**
41 **concession contract with the department of natural resources; except that, the provisions**
42 **of this subsection shall not apply to the normal and customary use of public roads by**
43 **commercial and noncommercial organizations for the purpose of transporting persons or**
44 **vehicles, including, but not limited to, canoes.**

260.207. 1. The department of natural resources shall not issue a permit to any person
2 for the operation of any solid waste processing facility or solid waste disposal area pursuant to
3 sections 260.200 to 260.345 if such person has been determined to habitually violate Missouri
4 environmental statutes, the environmental statutes of other states or federal statutes pertaining
5 to environmental control or if such person has had three or more convictions, which convictions
6 occurred after August 28, 1990, and within any five-year period, within a court of the United
7 States or of any state other than Missouri or has had two or more convictions within Missouri,
8 after August 28, 1990, and within any five-year period, for any crimes or criminal acts, an
9 element of which involves restraint of trade, price-fixing, intimidation of the customers of
10 another person or for engaging in any other acts which may have the effect of restraining or
11 limiting competition concerning activities regulated under this chapter or similar laws of other

12 states or the federal government; except that convictions for violations by entities purchased or
13 acquired by an applicant or permittee which occurred prior to the purchase or acquisition shall
14 not be included. For the purpose of this section the term "person" shall include any business
15 organization or entity, successor corporation, partnership or subsidiary of any business
16 organization or entity, and the owners and officers thereof, of the entity submitting the
17 application.

18 2. The director shall suspend, revoke or not renew the permit of any person with a permit
19 to operate any solid waste processing facility or solid waste disposal area if such person has been
20 determined by the department of natural resources to habitually violate the requirements of the
21 Missouri environmental statutes, of the environmental statutes of other states, or of federal
22 statutes pertaining to environmental control, or if such person has had three or more convictions
23 in any court of the United States or of any state other than Missouri or has had two or more
24 convictions within Missouri of crimes as specified herein, if such convictions occur after August
25 28, 1990, and within any five-year period.

26 3. Any person applying for a permit to operate any facility pursuant to sections 260.200
27 to 260.345 shall notify the director of any conviction for a crime which would have the effect of
28 limiting competition. Any person holding a permit shall notify the department of any such
29 conviction of any crime as specified herein within thirty days of the conviction. Failure to notify
30 the director is a class [D] E felony and subject to a fine of one thousand dollars per day for each
31 day unreported.

32 4. Any person who has had a permit denied, revoked or not renewed due to the
33 provisions of this section may apply to the director for reinstatement after five years have elapsed
34 from the time of the most recent conviction.

260.208. No city, county, district, authority or other political subdivision of this state
2 shall enter into a contract or other arrangement for solid waste management services with any
3 person who has been convicted as set out in section 260.207, which convictions occur after
4 August 28, 1990, and within any five-year period, except that the prohibitions of this section
5 shall not apply to any person convicted as provided in section 260.207 after five years have
6 elapsed from the most recent conviction. Any person submitting a bid to a city, county, district,
7 authority or other political subdivision for a contract to provide solid waste management services
8 who, after August 28, 1990, has been convicted of crimes which have the effect of limiting
9 competition as set out in section 260.207, shall notify the city, county, district, authority or other
10 political subdivision of such conviction with the submission of the bid. Any person with a
11 contract for solid waste management services with a city, county, district, authority or other
12 political subdivision of this state who is convicted of crimes which would have the effect of
13 limiting competition as set out in section 260.207, shall notify the city, county, district, authority

14 or other political subdivision of such conviction within thirty days of the conviction. Failure to
15 notify the city, county, district, authority, or other political subdivision as required in this section
16 is a class [D] E felony and subject to a fine of one thousand dollars per day for each day
17 unreported.

260.211. 1. A person commits the offense of criminal disposition of demolition waste
2 if he purposely or knowingly disposes of or causes the disposal of more than two thousand
3 pounds or four hundred cubic feet of such waste on property in this state other than in a solid
4 waste processing facility or solid waste disposal area having a permit as required by section
5 260.205; provided that, this subsection shall not prohibit the use or require a solid waste permit
6 for the use of solid wastes in normal farming operations or in the processing or manufacturing
7 of other products in a manner that will not create a public nuisance or adversely affect public
8 health and shall not prohibit the disposal of or require a solid waste permit for the disposal by
9 an individual of solid wastes resulting from his or her own residential activities on property
10 owned or lawfully occupied by him or her when such wastes do not thereby create a public
11 nuisance or adversely affect the public health. Demolition waste shall not include clean fill or
12 vegetation. Criminal disposition of demolition waste is a class [D] E felony. In addition to other
13 penalties prescribed by law, a person convicted of criminal disposition of demolition waste is
14 subject to a fine not to exceed twenty thousand dollars, except as provided below. The
15 magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human
16 health and the environment posed by the violation, but shall not exceed twenty thousand dollars,
17 except that if a court of competent jurisdiction determines that the person responsible for illegal
18 disposal of demolition waste under this subsection did so for remuneration as a part of an
19 ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential
20 threat to human health and the environment which at least equals the economic gain obtained by
21 the person, and such fine may exceed the maximum established herein.

22 2. Any person who purposely or knowingly disposes of or causes the disposal of more
23 than two thousand pounds or four hundred cubic feet of his or her personal construction or
24 demolition waste on his or her own property shall be guilty of a class [C] D misdemeanor. If
25 such person receives any amount of money, goods, or services in connection with permitting any
26 other person to dispose of construction or demolition waste on his or her property, such person
27 shall be guilty of a class [D] E felony.

28 3. The court shall order any person convicted of illegally disposing of demolition waste
29 upon his **or her** own property for remuneration to clean up such waste and, if he **or she** fails to
30 clean up the waste or if he **or she** is unable to clean up the waste, the court may notify the county
31 recorder of the county containing the illegal disposal site. The notice shall be designed to be
32 recorded on the record.

33 4. The court may order restitution by requiring any person convicted under this section
34 to clean up any demolition waste he illegally dumped and the court may require any such person
35 to perform additional community service by cleaning up and properly disposing of demolition
36 waste illegally dumped by other persons.

37 5. The prosecutor of any county or circuit attorney of any city not within a county may,
38 by information or indictment, institute a prosecution for any violation of the provisions of this
39 section.

40 6. Any person shall be guilty of conspiracy as defined in section 564.016 if he or she
41 knows or should have known that his or her agent or employee has committed the acts described
42 in sections 260.210 to 260.212 while engaged in the course of employment.

260.212. 1. A person commits the offense of criminal disposition of solid waste if he
2 purposely or knowingly disposes of or causes the disposal of more than five hundred pounds or
3 one hundred cubic feet of commercial or residential solid waste on property in this state other
4 than a solid waste processing facility or solid waste disposal area having a permit as required by
5 section 260.205; provided that, this subsection shall not prohibit the use or require a solid waste
6 permit for the use of solid wastes in normal farming operations or in the processing or
7 manufacturing of other products in a manner that will not create a public nuisance or adversely
8 affect public health and shall not prohibit the disposal of or require a solid waste permit for the
9 disposal by an individual of solid wastes resulting from his or her own residential activities on
10 property owned or lawfully occupied by him or her when such wastes do not thereby create a
11 public nuisance or adversely affect the public health. Criminal disposition of solid waste is a
12 class [D] E felony. In addition to other penalties prescribed by law, a person convicted of
13 criminal disposition of solid waste is subject to a fine, and the magnitude of the fine shall reflect
14 the seriousness or potential seriousness of the threat to human health and the environment posed
15 by the violation, but shall not exceed twenty thousand dollars, except that if a court of competent
16 jurisdiction determines that the person responsible for illegal disposal of solid waste under this
17 subsection did so for remuneration as a part of an ongoing commercial activity, the court shall
18 set a fine which reflects the seriousness or potential threat to human health and the environment
19 which at least equals the economic gain obtained by the person, and such fine may exceed the
20 maximum established herein.

21 2. The court shall order any person convicted of illegally disposing of solid waste upon
22 his **or her** own property for remuneration to clean up such waste and, if he **or she** fails to clean
23 up the waste or if he **or she** is unable to clean up the waste, the court may notify the county
24 recorder of the county containing the illegal disposal site. The notice shall be designed to be
25 recorded on the record.

26 3. The court may order restitution by requiring any person convicted under this section
27 to clean up any commercial or residential solid waste he illegally dumped and the court may
28 require any such person to perform additional community service by cleaning up commercial or
29 residential solid waste illegally dumped by other persons.

30 4. The prosecutor of any county or circuit attorney of any city not within a county may,
31 by information or indictment, institute a prosecution for any violation of the provisions of this
32 section.

33 5. Any person shall be guilty of conspiracy as defined in section 564.016 if he knows or
34 should have known that his **or her** agent or employee has committed the acts described in
35 sections 260.210 to 260.212 while engaged in the course of employment.

260.379. 1. The department of natural resources shall not issue a permit to any person
2 for the operation of any facility or issue any license to any person under the authority of sections
3 260.350 to 260.434, if such person has had three or more convictions, which convictions
4 occurred after July 9, 1990, and within any five-year period within the courts of the United States
5 or of any state except Missouri or had two or more convictions within a Missouri court after July
6 9, 1990, and within any five-year period, for any crimes or criminal acts, an element of which
7 involves restraint of trade, price-fixing, intimidation of the customers of any person or for
8 engaging in any other acts which may have the effect of restraining or limiting competition
9 concerning activities regulated under this chapter or similar laws of other states or the federal
10 government; except that convictions for violations by entities purchased or acquired by an
11 applicant or permittee which occurred prior to the purchase or acquisition shall not be included.
12 For the purpose of this section, the term "person" shall include any business organization or
13 entity, successor corporation, partnership or subsidiary of any business organization or entity,
14 and the owners and officers thereof, or the entity submitting the application.

15 2. The director shall suspend, revoke or not renew the permit or license of any person
16 issued pursuant to sections 260.350 to 260.434, if such person has had two or more convictions
17 in any court of the United States or of any state other than Missouri or two or more convictions
18 within a Missouri court for crimes as specified herein if such conviction occurred after July 9,
19 1990, and within any five-year period.

20 3. Any person applying for a permit or license under sections 260.350 to 260.434 shall
21 notify the director of any conviction for any act which would have the effect of limiting
22 competition. Any person with a permit or license shall notify the department of any such
23 conviction within thirty days of the conviction or plea. Failure to notify the director is a class
24 [D] E felony and subject to a fine of one thousand dollars per day for each day unreported.

25 4. Provided that after a period of five years after a permit has been revoked under the
26 provisions of this section, the person, firm or corporation affected may apply for rehabilitation

27 and reinstatement to the director of the department. The department shall promulgate the
28 necessary rules and regulations for rehabilitation and reinstatement. The time period for same
29 shall not exceed five years.

270.260. 1. Any person who recklessly or knowingly releases any swine to live in a wild
2 or feral state upon any public land or private land not completely enclosed by a fence capable of
3 containing such animals is guilty of a class A misdemeanor. Each swine so released shall be a
4 separate offense.

5 2. Every person who has previously pled guilty to or been found guilty of violating the
6 provisions of this section, committed on two separate occasions where such offense occurred
7 within ten years of the date of the occurrence of the present offense and who subsequently pleads
8 guilty to or is found guilty of violating this section shall be guilty of a class [D] E felony.

9 3. Nothing in this section shall be construed to criminalize the accidental escape of
10 domestic swine.

276.421. 1. All applications shall be accompanied by a true and accurate financial
2 statement of the applicant, prepared within six months of the date of application, setting forth
3 all the assets, liabilities and net worth of the applicant. In the event that the applicant has been
4 engaged in business as a grain dealer for at least one year, the financial statement shall set forth
5 the aggregate dollar amount paid for grain purchased in Missouri and those states with whom
6 Missouri has entered into contracts or agreements as authorized by section 276.566 during the
7 last completed fiscal period of the applicant. In the event the applicant has been engaged in
8 business for less than one year or has not previously engaged in business as a grain dealer, the
9 financial statement shall set forth the estimated aggregate dollar amount to be paid for grain
10 purchased in Missouri and those states with whom Missouri has entered into contracts or
11 agreements as authorized by section 276.566 during the applicant's initial fiscal period. All
12 applications shall also be accompanied by a true and accurate statement of income and expenses
13 for the applicant's most recently completed fiscal year. The financial statements required by this
14 chapter shall be prepared in conformity with generally accepted accounting principles; except
15 that the director may promulgate rules allowing for the valuation of assets by competent
16 appraisal.

17 2. The financial statement required by subsection 1 of this section shall be audited or
18 reviewed by a certified public accountant. The financial statement may not be audited or
19 reviewed by the applicant, or an employee of the applicant, if an individual, or, if the applicant
20 is a corporation or partnership, by an officer, shareholder, partner, or a direct employee of the
21 applicant.

22 3. The director may require any additional information or verification with respect to the
23 financial resources of the applicant as he deems necessary for the effective administration of this

24 chapter. The director may promulgate rules setting forth minimum standards of acceptance for
25 the various types of financial statements filed in accordance with the provisions of this chapter.
26 The director may promulgate rules requiring a statement of retained earnings, a statement of
27 changes in financial position, and notes and disclosures to the financial statements for all
28 licensed grain dealers or all grain dealers required to be licensed. The additional information or
29 verification referred to herein may include, but is not limited to, requiring that the financial
30 statement information be reviewed or audited in accordance with standards established by the
31 American Institute of Certified Public Accountants.

32 4. All grain dealers shall provide the director with a copy of all financial statements and
33 updates to financial statements utilized to secure the bonds required by sections 276.401 to
34 276.582.

35 5. All financial statements submitted to the director for the purposes of this chapter shall
36 be accompanied by a certification by the applicant or the chief executive officer of the applicant,
37 subject to the penalty provision set forth in subsection 4 of section 276.536, that to the best of
38 his **or her** knowledge and belief the financial statement accurately reflects the financial condition
39 of the applicant for the fiscal period covered in the statement.

40 6. Any person who knowingly prepares or assists in the preparation of an inaccurate or
41 false financial statement which is submitted to the director for the purposes of this chapter, or
42 who during the course of providing bookkeeping services or in reviewing or auditing a financial
43 statement which is submitted to the director for the purposes of this chapter, becomes aware of
44 false information in the financial statement and does not disclose in notes accompanying the
45 financial statements that such false information exists, or does not disassociate himself from the
46 financial statements prior to submission, is guilty of a class [C] **D** felony. Additionally, such
47 persons are liable for any damages incurred by sellers of grain selling to a grain dealer who is
48 licensed or allowed to maintain his **or her** license based upon inaccuracies or falsifications
49 contained in the financial statement.

50 7. Any licensed grain dealer or applicant for a grain dealer's license shall maintain a
51 minimum net worth equal to five percent of annual grain purchases as set forth in the financial
52 statements required by this chapter. If the dealer or applicant is deficient in meeting this net
53 worth requirement, he **or she** must post additional bond as required in section 276.436.

54 8. (1) Any licensed grain dealer or applicant for a grain dealer's license shall have and
55 maintain current assets at least equal to one hundred percent of current liabilities. The financial
56 statement required by this chapter shall set forth positive working capital in the form of a current
57 ratio of the total adjusted current assets to the total adjusted current liabilities of at least one to
58 one.

59 (2) The director may allow applicants to offset negative working capital by increasing
60 the grain dealer surety bond required by section 276.426 up to the total amount of negative
61 working capital at the discretion of the director.

62 (3) Adjusted current assets shall be calculated by deducting from the stated current assets
63 shown on the financial statement submitted by the applicant any current asset resulting from
64 notes receivable from related persons, accounts receivable from related persons, stock
65 subscriptions receivable, and any other related person receivables.

66 (4) A disallowed current asset shall be netted against any related liability and the net
67 result, if an asset, shall be subtracted from the current assets.

276.536. 1. Upon conviction, any person who does any of the following is guilty of a
2 class B misdemeanor:

3 (1) Engaging in the business of being a grain dealer without securing a license prior to
4 engaging in said business. If a grain dealer has been charged, and has paid, a penalty fee for
5 operating without a license as set forth in section 276.411, the grain dealer may not be charged
6 with a class B misdemeanor for operating without a license for the time period covered by the
7 penalty fee;

8 (2) Violating any of the provisions of sections 276.401 to 276.581;

9 (3) Impeding, hindering, obstructing, or otherwise preventing or attempting to prevent
10 the director, the director's designated representative, employees, or any auditor in the
11 performance of his **or her** duty in connection with sections 276.401 to 276.581 or the regulations
12 promulgated pursuant thereto;

13 (4) On the part of any person, refusing to permit inspection of his **or her** premises,
14 books, accounts or records as provided in sections 276.401 to 276.581.

15 2. In case of a continuing violation, each day a violation occurs constitutes a separate
16 and distinct offense.

17 3. It shall be the duty of the attorney general or each prosecuting attorney to whom any
18 violation of sections 276.401 to 276.581 is reported to cause appropriate proceedings under this
19 section to be instituted and prosecuted in a court of competent jurisdiction without delay. Before
20 a violation is reported for prosecution, the director may give the grain dealer an opportunity to
21 present his **or her** views at an informal hearing. In the event the director determines that a
22 prosecutor to whom a violation has been reported has failed to institute appropriate proceedings,
23 the director may make a written report of the failure to institute proceedings to the attorney
24 general. The attorney general may investigate the circumstances which resulted in the report.
25 If the attorney general determines additional proceedings are appropriate, he **or she** shall cause
26 such proceedings to be instituted. When the attorney general causes such a proceeding to be
27 instituted, he **or she** shall have all the powers and rights of the office of the prosecuting attorney

28 to whom the violation was originally reported. Such powers and rights are restricted to the
29 prosecution of the specific case reported.

30 4. A grain dealer licensed or required to be licensed under sections 276.401 to 276.581,
31 or any officer, agent, or servant of such grain dealer who files false records, scale tickets,
32 financial papers or accounts with the director, or who withholds records, scale tickets, financial
33 papers or accounts from the director, or who alters records, scale tickets, financial papers or
34 accounts in order to conceal amounts owed to sellers of grain or actual amounts of grain received
35 and paid or not paid for or for the purpose of in any way misleading department auditors and
36 officials is, upon conviction, guilty of a class [C] **D** felony.

37 5. Any duly authorized officer or employee appointed under the provisions of sections
38 276.401 to 276.581 who neglects his **or her** duty, or who knowingly or carelessly inspects,
39 grades, tests, or weighs any grain improperly, conducts an inspection improperly, intentionally
40 falsifies any inspection report, or intentionally gives false information, or who accepts any money
41 or other valuable consideration, directly or indirectly, for any neglect of duty as such duly
42 authorized officer or employee in the performance of his **or her** duties as such officer or
43 employee is deemed guilty of a class B misdemeanor.

277.180. 1. Any person who offers a bribe to any livestock market or sale operator or
2 market veterinarian for the purpose of inducing such operator or veterinarian to violate the
3 provisions of this chapter shall be guilty of a class [D] **E** felony.

4 2. Nothing contained in this chapter shall be construed to authorize any private cause
5 of action, or to establish any substitute principal of a law in connection therewith.

285.306. Every employee shall complete the withholding form referred to in section
2 285.300. Any such employee who refuses to complete the withholding form shall be guilty of
3 a class [D] **E** felony.

285.308. Any employee who states on the withholding form that he does not owe child
2 support when such employee knowingly owes child support pursuant to a valid court order or
3 administrative order is guilty of a class [D] **E** felony.

287.128. 1. It shall be unlawful for any person to knowingly present or cause to be
2 presented any false or fraudulent claim for the payment of benefits pursuant to a workers'
3 compensation claim.

4 2. It shall be unlawful for any insurance company or self-insurer in this state to
5 knowingly and intentionally refuse to comply with known and legally indisputable compensation
6 obligations with intent to defraud.

7 3. It shall be unlawful for any person to:

- 8 (1) Knowingly present multiple claims for the same occurrence with intent to defraud;
9 (2) Knowingly assist, abet, solicit or conspire with:

10 (a) Any person who knowingly presents any false or fraudulent claim for the payment
11 of benefits;

12 (b) Any person who knowingly presents multiple claims for the same occurrence with
13 an intent to defraud; or

14 (c) Any person who purposefully prepares, makes or subscribes to any writing with the
15 intent to present or use the same, or to allow it to be presented in support of any such claim;

16 (3) Knowingly make or cause to be made any false or fraudulent claim for payment of
17 a health care benefit;

18 (4) Knowingly submit a claim for a health care benefit which was not used by, or on
19 behalf of, the claimant;

20 (5) Knowingly present multiple claims for payment of the same health care benefit with
21 an intent to defraud;

22 (6) Knowingly make or cause to be made any false or fraudulent material statement or
23 material representation for the purpose of obtaining or denying any benefit;

24 (7) Knowingly make or cause to be made any false or fraudulent statements with regard
25 to entitlement to benefits with the intent to discourage an injured worker from making a
26 legitimate claim;

27 (8) Knowingly make or cause to be made a false or fraudulent material statement to an
28 investigator of the division in the course of the investigation of fraud or noncompliance. For the
29 purposes of subdivisions (6), (7), and (8) of this subsection, the term "statement" includes any
30 notice, proof of injury, bill for services, payment for services, hospital or doctor records, X-ray
31 or test results.

32 4. Any person violating any of the provisions of subsection 1 or 2 of this section shall
33 be guilty of a class [D] E felony. In addition, the person shall be liable to the state of Missouri
34 for a fine up to ten thousand dollars or double the value of the fraud whichever is greater. Any
35 person violating any of the provisions of subsection 3 of this section shall be guilty of a class A
36 misdemeanor and the person shall be liable to the state of Missouri for a fine up to ten thousand
37 dollars. Any person who has previously pled guilty to or has been found guilty of violating any
38 of the provisions of subsection 1, 2 or 3 of this section and who subsequently violates any of the
39 provisions of subsection 1, 2 or 3 of this section shall be guilty of a class [C] D felony.

40 5. It shall be unlawful for any person, company, or other entity to prepare or provide an
41 invalid certificate of insurance as proof of workers' compensation insurance. Any person
42 violating any of the provisions of this subsection shall be guilty of a class [D] E felony and, in
43 addition, shall be liable to the state of Missouri for a fine up to ten thousand dollars or double
44 the value of the fraud, whichever is greater.

45 6. Any person who knowingly misrepresents any fact in order to obtain workers'
46 compensation insurance at less than the proper rate for that insurance shall be guilty of a class
47 A misdemeanor. Any person who has previously pled guilty to or has been found guilty of
48 violating any of the provisions of this section and who subsequently violates any of the
49 provisions of this section shall be guilty of a class [D] E felony.

50 7. Any employer who knowingly fails to insure his liability pursuant to this chapter shall
51 be guilty of a class A misdemeanor and, in addition, shall be liable to the state of Missouri for
52 a penalty in an amount up to three times the annual premium the employer would have paid had
53 such employer been insured or up to fifty thousand dollars, whichever amount is greater. Any
54 person who has previously pled guilty to or has been found guilty of violating any of the
55 provisions of this section and who subsequently violates any of the provisions of this section
56 shall be guilty of a class [D] E felony.

57 8. Any person may file a complaint alleging fraud or noncompliance with this chapter
58 with a legal advisor in the division of workers' compensation. The legal advisor shall refer the
59 complaint to the fraud and noncompliance unit within the division. The unit shall investigate
60 all complaints and present any finding of fraud or noncompliance to the director, who may refer
61 the file to the attorney general. The attorney general may prosecute any fraud or noncompliance
62 associated with this chapter. All costs incurred by the attorney general associated with any
63 investigation and prosecution pursuant to this subsection shall be paid out of the workers'
64 compensation fund. Any fines or penalties levied and received as a result of any prosecution
65 under this section shall be paid to the workers' compensation fund. Any restitution ordered as
66 a part of the judgment shall be paid to the person or persons who were defrauded.

67 9. Any and all reports, records, tapes, photographs, and similar materials or
68 documentation submitted by any person, including the department of insurance, financial
69 institutions and professional registration, to the fraud and noncompliance unit or otherwise
70 obtained by the unit pursuant to this section, used to conduct an investigation for any violation
71 under this chapter, shall be considered confidential and not subject to the requirements of chapter
72 610. Nothing in this subsection prohibits the fraud and noncompliance unit from releasing
73 records used to conduct an investigation to the local, state, or federal law enforcement authority
74 or federal or state agency conducting an investigation, upon written request.

75 10. There is hereby established in the division of workers' compensation a fraud and
76 noncompliance administrative unit responsible for investigating incidences of fraud and failure
77 to comply with the provisions of this chapter.

78 11. Any prosecution for a violation of the provisions of this section or section 287.129
79 shall be commenced within three years after discovery of the offense by an aggrieved party or
80 by a person who has a legal duty to represent an aggrieved party and who is not a party to the

81 offense. As used in this subsection, the term "person who has a legal duty to represent an
82 aggrieved party" shall mean the attorney general or the prosecuting attorney having jurisdiction
83 to prosecute the action.

84 12. By January 1, 2006, the attorney general shall forward to the division and the
85 members of the general assembly the first edition of an annual report of the costs of prosecuting
86 fraud and noncompliance under this chapter. The report shall include the number of cases filed
87 with the attorney general by county by the fraud and noncompliance unit, the number of cases
88 prosecuted by county by the attorney general, fines and penalties levied and received, and all
89 incidental costs.

287.129. 1. A health care provider commits a fraudulent workers' compensation
2 insurance act if he knowingly and with intent to defraud presents, causes to be presented, or
3 prepares with knowledge or belief that it will be presented, to or by an insurer, purported insurer,
4 broker, or any agent thereof, any claim for payment or other benefit which involves any one or
5 more of the following false billing practices:

6 (1) "Unbundling" an insurance claim by claiming a number of medical procedures were
7 performed instead of a single comprehensive procedure;

8 (2) "Upcoding" a medical, hospital or rehabilitative insurance claim by claiming that a
9 more serious or extensive procedure was performed than was actually performed;

10 (3) "Exploding" a medical, hospital or rehabilitative insurance claim by claiming a series
11 of tests were performed on a single sample of blood, urine, or other bodily fluid, when actually
12 the series of tests were part of one battery of tests; or

13 (4) "Duplicating" a medical, hospital or rehabilitative insurance claim made by a health
14 care provider by resubmitting the claim through another health care provider in which the
15 original health care provider has an ownership interest. Nothing in this section shall prohibit
16 providers from making good faith efforts to ensure that claims for reimbursement are coded to
17 reflect the proper diagnosis and treatment.

18 2. If, by its own inquiries or as a result of complaints, the department of insurance,
19 financial institutions and professional registration has reason to believe that a person has engaged
20 in, or is engaging in, any fraudulent workers' compensation insurance act contained in this
21 section, it may administer oaths and affirmations, serve subpoenas ordering the attendance of
22 witnesses or proffering of matter, and collect evidence.

23 3. If the matter that the department of insurance, financial institutions and professional
24 registration seeks to obtain by request is located outside the state, the person so requested may
25 make it available to the division or its representative to examine the matter at the place where
26 it is located. The department may designate representatives, including officials of the state in

27 which the matter is located, to inspect the matter on its behalf, and it may respond to similar
28 requests from officials of other states.

29 4. Any person violating any of the provisions of subsection 1 of this section is guilty of
30 a class A misdemeanor and the person shall be liable to the state of Missouri for a fine up to
31 twenty thousand dollars. Any person who has previously pled guilty to or has been found guilty
32 of violating any of the provisions of subsection 1 of this section and who subsequently violates
33 any of the provisions of subsection 1 of this section is guilty of a class [D] E felony.

288.250. 1. Information obtained from any employing unit or individual pursuant to the
2 administration of this law shall be held confidential and shall not be published, further disclosed,
3 or be open to public inspection in any manner revealing the individual's or employing unit's
4 identity, but any claimant or employing unit or their authorized representative shall be supplied
5 with information from the division's records to the extent necessary for the proper preparation
6 and presentation of any claim for unemployment compensation benefits or protest of employer
7 liability. Further, upon receipt of a written request from a claimant or his or her authorized
8 representative, the division shall supply information previously submitted to the division by the
9 claimant, the claimant's wage history and the claimant's benefit payment history. In addition,
10 upon receipt of a written request from an authorized representative of an employing unit, the
11 division shall supply information previously submitted to the division by the employing unit, and
12 information concerning the payment of benefits from the employer's account and the
13 unemployment compensation fund, including amounts paid to specific claimants. A state or
14 federal official or agency may receive disclosures to the extent required by federal law. In the
15 division's discretion, any other party may receive disclosures to the extent authorized by state and
16 federal law. Any information obtained by the division in the administration of this law shall be
17 privileged and no individual or type of organization shall be held liable for slander or libel on
18 account of any such information.

19 2. Any person who intentionally discloses or otherwise fails to protect confidential
20 information in violation of this section shall be guilty of a class A misdemeanor. For a second
21 or subsequent violation, the person shall be guilty of a class [D] E felony.

288.395. Any person or entity perpetrating a fraud or misrepresentation under this
2 chapter for which a penalty has not herein been specifically provided shall be guilty of a class
3 A misdemeanor and, in addition, shall be liable to this state for a civil penalty not to exceed the
4 value of the fraud. Any person or entity who has previously pled guilty to or has been found
5 guilty of perpetrating a fraud or misrepresentation under this chapter and who subsequently
6 violated any such provisions shall be guilty of a class [D] E felony.

301.390. 1. No person shall sell, or offer for sale, or shall knowingly have the custody
2 or possession of a motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire,

3 piece of farm machinery, farm implement, or piece of construction equipment on which the
4 original manufacturer's number or other distinguishing number has been destroyed, removed,
5 covered, altered or defaced, and no person shall sell, offer for sale, or knowingly have the
6 custody or possession of a motor vehicle or trailer having no manufacturer's number or other
7 original number, or distinguishing number. Every motor vehicle and trailer shall have an original
8 manufacturer's number or other distinguishing number assigned by the manufacturer.

9 2. Every peace officer who has probable cause to believe and has knowledge of a motor
10 vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery,
11 farm implement, or piece of construction equipment, the number of which has been removed,
12 covered, altered, destroyed or defaced, and for which no special number has been issued, shall
13 be authorized to immediately seize and take possession of such motor vehicle, vehicle part, boat,
14 outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece
15 of construction equipment, and may arrest the supposed owner or custodian thereof and cause
16 prosecution to be begun in a court of competent jurisdiction.

17 3. The law enforcement authority having seized it shall retain custody of the motor
18 vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery,
19 farm implement, or piece of construction equipment pending the prosecution of the person
20 arrested. If the person arrested should be found guilty, such motor vehicle, vehicle part, boat,
21 outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece
22 of construction equipment shall be transferred to the custody of the court until the fine and costs
23 of prosecution are paid. No property shall be released from the custody of the court until a
24 special number shall have been issued by the director of revenue on an application of the
25 supposed owner, approved by the court.

26 4. In case such fine and costs not be paid within thirty days from the date of judgment,
27 the court shall advertise and sell such motor vehicle, boat, outboard motor, vehicle part, trailer,
28 motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment
29 in the manner provided by law for the sale of personal property under execution. The
30 advertisement shall contain a description of the motor vehicle, vehicle part, boat, outboard
31 motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of
32 construction equipment and a copy thereof shall be mailed to the director of revenue. The
33 proceeds of such sale shall be applied, first, to the payment of the fine and costs of the
34 prosecution and sale, and any sum remaining shall be paid by the court to the owner, and the
35 motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm
36 machinery, farm implement, or piece of construction equipment shall not be delivered to the
37 purchaser thereof until he shall first have secured a special number from the director of revenue,
38 on the application of the purchaser, approved by the court.

39 5. If at any time while such motor vehicle, vehicle part, boat, outboard motor, trailer,
40 motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment
41 remains in the custody of the court or law enforcement authority having seized it, the true owner
42 thereof shall appear and prove to the satisfaction of the court or law enforcement authority proper
43 ownership of and entitlement to said item, it shall be returned to the owner after he has obtained
44 from the director of revenue a special number, on application made by the owner.

45 6. Violation of any provision of this section is a class [D] E felony.

 301.400. Any person who removes, covers, alters or defaces, or causes to be destroyed,
2 removed, covered, altered or defaced, the manufacturer's number, the motor number or other
3 distinguishing number on any motor vehicle, or number or other distinguishing number on any
4 motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment,
5 the property of another, for any reason, shall be deemed guilty of a class [C] D felony.

 301.401. 1. Any person who removes, covers, alters, or defaces, or causes to be
2 destroyed, removed, covered, altered, or defaced, the manufacturer's serial number, the motor
3 number or other distinguishing number on special mobile equipment or special mobile
4 equipment tires, the property of another, for any reason, shall be deemed guilty of a class [D] E
5 felony. Further, any person who knowingly buys, sells, receives, disposes of, conceals or has in
6 his possession special mobile equipment or special mobile equipment tires from which the
7 manufacturer's serial number, motor number or other distinguishing number has been removed,
8 covered, altered, defaced or destroyed shall be deemed guilty of a class [D] E felony.

9 2. Every peace officer who has probable cause to believe that and has knowledge of an
10 item of special mobile equipment on which the original manufacturer's distinguishing number
11 has been removed, covered, altered, or defaced shall be authorized to seize immediately and to
12 take possession of said item of special mobile equipment.

13 3. If at any time while such special mobile equipment remains in the custody of the law
14 enforcement authority having seized it, the true owner thereof shall appear and prove to the
15 satisfaction of such law enforcement authority his ownership of and entitlement to said item of
16 special mobile equipment, it shall be returned to said owner subject to its being made available
17 for use in any criminal prosecution under this section.

18 4. If, after twelve months, no person has appeared and proved he is the true owner of an
19 item of special mobile equipment seized under this section, the court in which such prosecution
20 was begun may advertise and sell said item of special mobile equipment under such terms as are
21 reasonable. The proceeds of such sale shall be applied, first, to the payment of any expenses
22 incurred in association with such sale; second, to the payment of the fine and costs of
23 prosecution; and the balance, if any, shall be paid over to the county commission of the county
24 in which the prosecution was begun for its application to that county's general revenues.

301.559. 1. It shall be unlawful for any person to engage in business as or act as a motor vehicle dealer, boat dealer, manufacturer, boat manufacturer, public motor vehicle auction, wholesale motor vehicle auction or wholesale motor vehicle dealer without first obtaining a license from the department as required in sections 301.550 to 301.573. Any person who maintains or operates any business wherein a license is required pursuant to the provisions of sections 301.550 to 301.573, without such license, is guilty of a class A misdemeanor. Any person committing a second violation of sections 301.550 to 301.573 shall be guilty of a class [D] E felony.

2. All dealer licenses shall expire on December thirty-first of the designated license period. The department shall notify each person licensed under sections 301.550 to 301.573 of the date of license expiration and the amount of the fee required for renewal. The notice shall be mailed at least ninety days before the date of license expiration to the licensee's last known business address. The director shall have the authority to issue licenses valid for a period of up to two years and to stagger the license periods for administrative efficiency and equalization of workload, at the sole discretion of the director.

3. Every manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, wholesale motor vehicle auction, boat dealer or public motor vehicle auction shall make application to the department for issuance of a license. The application shall be on forms prescribed by the department and shall be issued under the terms and provisions of sections 301.550 to 301.573 and require all applicants, as a condition precedent to the issuance of a license, to provide such information as the department may deem necessary to determine that the applicant is bona fide and of good moral character, except that every application for a license shall contain, in addition to such information as the department may require, a statement to the following facts:

(1) The name and business address, not a post office box, of the applicant and the fictitious name, if any, under which he intends to conduct his business; and if the applicant be a partnership, the name and residence address of each partner, an indication of whether the partner is a limited or general partner and the name under which the partnership business is to be conducted. In the event that the applicant is a corporation, the application shall list the names of the principal officers of the corporation and the state in which it is incorporated. Each application shall be verified by the oath or affirmation of the applicant, if an individual, or in the event an applicant is a partnership or corporation, then by a partner or officer;

(2) Whether the application is being made for registration as a manufacturer, boat manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction;

36 (3) When the application is for a new motor vehicle franchise dealer, the application
37 shall be accompanied by a copy of the franchise agreement in the registered name of the
38 dealership setting out the appointment of the applicant as a franchise holder and it shall be signed
39 by the manufacturer, or his authorized agent, or the distributor, or his authorized agent, and shall
40 include a description of the make of all motor vehicles covered by the franchise. The department
41 shall not require a copy of the franchise agreement to be submitted with each renewal application
42 unless the applicant is now the holder of a franchise from a different manufacturer or distributor
43 from that previously filed, or unless a new term of agreement has been entered into;

44 (4) When the application is for a public motor vehicle auction, that the public motor
45 vehicle auction has met the requirements of section 301.561.

46 4. No insurance company, finance company, credit union, savings and loan association,
47 bank or trust company shall be required to obtain a license from the department in order to sell
48 any motor vehicle, trailer or vessel repossessed or purchased by the company on the basis of total
49 destruction or theft thereof when the sale of the motor vehicle, trailer or vessel is in conformance
50 with applicable title and registration laws of this state.

51 5. No person shall be issued a license to conduct a public motor vehicle auction or
52 wholesale motor vehicle auction if such person has a violation of sections 301.550 to 301.573
53 or other violations of chapter 301, sections 407.511 to 407.556, or [section 578.120] **subsection**
54 **8 of section 578.100** which resulted in a felony conviction or finding of guilt or a violation of
55 any federal motor vehicle laws which resulted in a felony conviction or finding of guilt.

301.640. 1. Within five business days after the satisfaction of any lien or encumbrance
2 of a motor vehicle or trailer, the lienholder shall release the lien or encumbrance on the
3 certificate or a separate document, and mail or deliver the certificate or a separate document to
4 the owner or any person who delivers to the lienholder an authorization from the owner to
5 receive the certificate or such documentation. The release on the certificate or separate document
6 shall be notarized. Each perfected subordinate lienholder, if any, shall release such lien or
7 encumbrance as provided in this section for the first lienholder. The owner may cause the
8 certificate to be mailed or delivered to the director of revenue, who shall issue a new certificate
9 of ownership upon application and payment of the required fee. A lien or encumbrance shall be
10 satisfied for the purposes of this section when a lienholder receives payment in full in the form
11 of certified funds, as defined in section 381.410, or when the lienholder receives payment in full
12 electronically or by way of electronic funds transfer, whichever first occurs.

13 2. If the electronic certificate of ownership is in the possession of the director of revenue,
14 the lienholder shall notify the director within five business days after any release of a lien and
15 provide the director with the most current address of the owner or any person who delivers to the
16 lienholder an authorization from the owner to receive the certificate or such documentation. The

17 director shall note such release on the electronic certificate and if no other lien exists the director
18 shall mail or deliver the certificate free of any lien to the owner or any person who has delivered
19 to the lienholder an authorization from the owner to receive the certificate or such documentation
20 from the director.

21 3. If the purchase price of a motor vehicle or trailer did not exceed six thousand dollars
22 at the time of purchase, a lien or encumbrance which was not perfected by a motor vehicle
23 financing corporation whose net worth exceeds one hundred million dollars, or a depository
24 institution, shall be considered satisfied within six years from the date the lien or encumbrance
25 was originally perfected unless a new lien or encumbrance has been perfected as provided in
26 section 301.600. This subsection does not apply to motor vehicles or trailers for which the
27 certificate of ownership has recorded in the second lienholder portion the words "subject to
28 future advances".

29 4. Any lienholder who fails to timely comply with subsection 1 or 2 of this section shall
30 pay to the person or persons satisfying the lien or encumbrance liquidated damages up to a
31 maximum of two thousand five hundred dollars for each lien. Liquidated damages shall be five
32 hundred dollars if the lienholder does not comply within five business days after satisfaction of
33 the lien or encumbrance. Liquidated damages shall be one thousand dollars if the lienholder does
34 not comply within ten business days after satisfaction of the lien or encumbrance. Liquidated
35 damages shall be two thousand dollars if the lienholder does not comply within fifteen business
36 days after satisfaction of the lien or encumbrance. Liquidated damages shall be two thousand
37 five hundred dollars if the lienholder does not comply within twenty business days after
38 satisfaction of the lien or encumbrance. If delivery of the certificate or other lien release is made
39 by mail, the delivery date is the date of the postmark for purposes of this subsection. In
40 computing any period of time prescribed or allowed by this section, the day of the act or event
41 after which the designated period of time begins to run is not to be counted. However, the last
42 day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal
43 holiday, in which event the period runs until the end of the next day that is not a Saturday,
44 Sunday, or legal holiday.

45 5. Any person who knowingly and intentionally sends in a separate document releasing
46 a lien of another without authority to do so shall be guilty of a class [C] **D** felony.

302.015. Notwithstanding the provisions of the Commercial Motor Vehicle Safety Act
2 of 1986 (Title XII of Pub. Law 99-570), the director shall have the authority to establish a license
3 classification system, and shall not be limited to classification of the following:

4 (1) Any person, other than one subject to sections 302.700 to 302.780, who operates a
5 motor vehicle in the transportation of persons or property, and who receives compensation for
6 such services in wages, salary, commission or fare; or who as an owner or employee operates a

7 motor vehicle carrying passengers or property for hire; or who regularly operates a commercial
8 motor vehicle of another person in the course of or as an incident to his **or her** employment, but
9 whose principal occupation is not the operating of such motor vehicle, except that a school bus
10 operator who obtains a school bus permit as provided in section 302.272 shall not be considered
11 in this class;

12 (2) Any person, other than such person defined in subdivision (1) of this section who is
13 in actual physical control of a motor vehicle;

14 (3) Any person, other than such person defined in subdivisions (1) and (2) of this section
15 who is in actual physical control of a motorcycle or motortricycle.

302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person,
2 except those expressly exempted by section 302.080, to:

3 (1) Operate any vehicle upon any highway in this state unless the person has a valid
4 license;

5 (2) Operate a motorcycle or motortricycle upon any highway of this state unless such
6 person has a valid license that shows the person has successfully passed an examination for the
7 operation of a motorcycle or motortricycle as prescribed by the director. The director may
8 indicate such upon a valid license issued to such person, or shall issue a license restricting the
9 applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required
10 by section 302.173, is conducted on such vehicle;

11 (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person
12 or under such person's control to be driven upon any highway by any person whose license does
13 not indicate that the person has passed the examination for the operation of a motorcycle or
14 motortricycle or has been issued an instruction permit therefor;

15 (4) Operate a motor vehicle with an instruction permit or license issued to another
16 person.

17 2. Every person operating or riding as a passenger on any motorcycle or motortricycle,
18 as defined in section 301.010, upon any highway of this state shall wear protective headgear at
19 all times the vehicle is in motion. The protective headgear shall meet reasonable standards and
20 specifications established by the director.

21 3. Notwithstanding the provisions of section 302.340 any person convicted of violating
22 subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation
23 of subdivision (1) or (2) of subsection 1 of this section shall be punishable [by a fine not to
24 exceed three hundred dollars] **as a class D misdemeanor**. A second violation of subdivision (1)
25 or (2) of subsection 1 of this section shall be punishable [by imprisonment in the county jail for
26 a term not to exceed one year and/or a fine not to exceed one thousand dollars] **as a class A**
27 **misdemeanor**. Any person convicted a third or subsequent time of violating subdivision (1) or

28 (2) of subsection 1 of this section is guilty of a class [D] E felony. Notwithstanding the
29 provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section
30 is a misdemeanor, the first violation punishable [by a fine not to exceed three hundred dollars]
31 **as a class D misdemeanor**, a second or subsequent violation of this section punishable as a class
32 C misdemeanor, and the penalty for failure to wear protective headgear as required by subsection
33 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be
34 imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court
35 costs shall be imposed upon any person due to such violation. No points shall be assessed
36 pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty
37 and prior findings of guilty shall be pleaded and proven in the same manner as required by
38 section 558.021.

302.060. 1. The director shall not issue any license and shall immediately deny any
2 driving privilege:

3 (1) To any person who is under the age of eighteen years, if such person operates a motor
4 vehicle in the transportation of persons or property as classified in section 302.015;

5 (2) To any person who is under the age of sixteen years, except as hereinafter provided;

6 (3) To any person whose license has been suspended, during such suspension, or to any
7 person whose license has been revoked, until the expiration of one year after such license was
8 revoked;

9 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

10 (5) To any person who has previously been adjudged to be incapacitated and who at the
11 time of application has not been restored to partial capacity;

12 (6) To any person who, when required by this law to take an examination, has failed to
13 pass such examination;

14 (7) To any person who has an unsatisfied judgment against such person, as defined in
15 chapter 303, until such judgment has been satisfied or the financial responsibility of such person,
16 as [defined] **described** in section 303.120, has been established;

17 (8) To any person whose application shows that the person has been convicted within
18 one year prior to such application of violating the laws of this state relating to failure to stop after
19 an accident and to disclose the person's identity or driving a motor vehicle without the owner's
20 consent;

21 (9) To any person who has been convicted more than twice of violating state law, or a
22 county or municipal ordinance where the defendant was represented by or waived the right to an
23 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten
24 years from the date of conviction of the last offense of violating such law or ordinance relating
25 to driving while intoxicated, a person who was so convicted may petition the circuit court of the

26 county in which such last conviction was rendered and the court shall review the person's habits
27 and conduct since such conviction, including the results of a criminal history check as defined
28 in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to or
29 been found guilty of, and has no pending charges for any offense related to alcohol, controlled
30 substances or drugs and has no other alcohol-related enforcement contacts as defined in section
31 302.525 during the preceding ten years and that the petitioner's habits and conduct show such
32 petitioner to no longer pose a threat to the public safety of this state, the court may order the
33 director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the
34 provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the
35 provisions of this subdivision through court action more than one time;

36 (10) To any person who has pled guilty to or been convicted of the [crime] **offense** of
37 involuntary manslaughter while operating a motor vehicle in an intoxicated condition, or to any
38 person who has been convicted twice within a five-year period of violating state law, county or
39 municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense
40 as defined in section [577.023] **577.001**, except that, after the expiration of five years from the
41 date of conviction of the last offense of violating such law or ordinance, a person who was so
42 convicted may petition the circuit court of the county in which such last conviction was rendered
43 and the court shall review the person's habits and conduct since such conviction, including the
44 results of a criminal history check as defined in section 302.010. If the court finds that the
45 petitioner has not been convicted, pled guilty to, or been found guilty of, and has no pending
46 charges for any offense related to alcohol, controlled substances, or drugs and has no other
47 alcohol-related enforcement contacts as defined in section 302.525 during the preceding five
48 years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat
49 to the public safety of this state, the court may order the director to issue a license to the
50 petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010
51 to 302.540;

52 (11) To any person who is otherwise disqualified pursuant to the provisions of sections
53 302.010 to 302.780, chapter 303, or section 544.046;

54 (12) To any person who is under the age of eighteen years, if such person's parents or
55 legal guardians file a certified document with the department of revenue stating that the director
56 shall not issue such person a driver's license. Each document filed by the person's parents or
57 legal guardians shall be made upon a form furnished by the director and shall include identifying
58 information of the person for whom the parents or legal guardians are denying the driver's
59 license. The document shall also contain identifying information of the person's parents or legal
60 guardians. The document shall be certified by the parents or legal guardians to be true and
61 correct. This provision shall not apply to any person who is legally emancipated. The parents

62 or legal guardians may later file an additional document with the department of revenue which
63 reinstates the person's ability to receive a driver's license.

64 2. Any person whose license is reinstated under the provisions of subdivisions (9) and
65 (10) of subsection 1 of this section shall be required to file proof with the director of revenue that
66 any motor vehicle operated by the person is equipped with a functioning, certified ignition
67 interlock device as a required condition of reinstatement. The ignition interlock device required
68 for reinstatement under this subsection and for obtaining a limited driving privilege under
69 paragraph (a) or (b) of subdivision (8) of subsection 3 of section 302.309 shall have photo
70 identification technology and global positioning system features. The ignition interlock device
71 shall further be required to be maintained on all motor vehicles operated by the person for a
72 period of not less than six months immediately following the date of reinstatement. If the
73 monthly monitoring reports show that the ignition interlock device has registered any confirmed
74 blood alcohol concentration readings above the alcohol setpoint established by the department
75 of transportation or that the person has tampered with or circumvented the ignition interlock
76 device, then the period for which the person must maintain the ignition interlock device
77 following the date of reinstatement shall be extended for an additional six months. If the person
78 fails to maintain such proof with the director, the license shall be suspended for the remainder
79 of the six-month period or until proof as required by this section is filed with the director. Upon
80 the completion of the six-month period, the license shall be shown as reinstated, if the person
81 is otherwise eligible.

82 3. Any person who petitions the court for reinstatement of his or her license pursuant to
83 subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri
84 state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints
85 collected pursuant to standards as determined by the highway patrol. One set of fingerprints
86 shall be used by the highway patrol to search the criminal history repository and the second set
87 shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal
88 history files. At the time of application, the applicant shall supply to the highway patrol the court
89 name and case number for the court where he or she has filed his or her petition for
90 reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to
91 section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for
92 the federal criminal history record. The Missouri highway patrol, upon receipt of the results of
93 the criminal history check, shall forward a copy of the results to the circuit court designated by
94 the applicant and to the department. Notwithstanding the provisions of section 610.120, all
95 records related to any criminal history check shall be accessible and available to the director and
96 the court.

302.060. 1. The director shall not issue any license and shall immediately deny any
2 driving privilege:
3 (1) To any person who is under the age of eighteen years, if such person operates a motor
4 vehicle in the transportation of persons or property as classified in section 302.015;
5 (2) To any person who is under the age of sixteen years, except as hereinafter provided;
6 (3) To any person whose license has been suspended, during such suspension, or to any
7 person whose license has been revoked, until the expiration of one year after such license was
8 revoked;
9 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;
10 (5) To any person who has previously been adjudged to be incapacitated and who at the
11 time of application has not been restored to partial capacity;
12 (6) To any person who, when required by this law to take an examination, has failed to
13 pass such examination;
14 (7) To any person who has an unsatisfied judgment against such person, as defined in
15 chapter 303, until such judgment has been satisfied or the financial responsibility of such person,
16 as [defined] **described** in section 303.120, has been established;
17 (8) To any person whose application shows that the person has been convicted within
18 one year prior to such application of violating the laws of this state relating to failure to stop after
19 an accident and to disclose the person's identity or driving a motor vehicle without the owner's
20 consent;
21 (9) To any person who has been convicted more than twice of violating state law, or a
22 county or municipal ordinance where the defendant was represented by or waived the right to an
23 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten
24 years from the date of conviction of the last offense of violating such law or ordinance relating
25 to driving while intoxicated, a person who was so convicted may petition the circuit court of the
26 county in which such last conviction was rendered and the court shall review the person's habits
27 and conduct since such conviction, including the results of a criminal history check as defined
28 in section 302.010. If the court finds that the petitioner has not been convicted, pled guilty to or
29 been found guilty of, and has no pending charges for any offense related to alcohol, controlled
30 substances or drugs and has no other alcohol-related enforcement contacts as defined in section
31 302.525 during the preceding ten years and that the petitioner's habits and conduct show such
32 petitioner to no longer pose a threat to the public safety of this state, the court may order the
33 director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the
34 provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the
35 provisions of this subdivision through court action more than one time;

36 (10) To any person who has pled guilty to or been convicted of the [crime] **offense** of
37 involuntary manslaughter while operating a motor vehicle in an intoxicated condition, or to any
38 person who has been convicted twice within a five-year period of violating state law, county or
39 municipal ordinance of driving while intoxicated, or any other intoxication-related traffic offense
40 as defined in section [577.023] **577.001**, except that, after the expiration of five years from the
41 date of conviction of the last offense of violating such law or ordinance, a person who was so
42 convicted may petition the circuit court of the county in which such last conviction was rendered
43 and the court shall review the person's habits and conduct since such conviction, including the
44 results of a criminal history check as defined in section 302.010. If the court finds that the
45 petitioner has not been convicted, pled guilty to, or been found guilty of, and has no pending
46 charges for any offense related to alcohol, controlled substances, or drugs and has no other
47 alcohol-related enforcement contacts as defined in section 302.525 during the preceding five
48 years, and that the petitioner's habits and conduct show such petitioner to no longer pose a threat
49 to the public safety of this state, the court may order the director to issue a license to the
50 petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010
51 to 302.540;

52 (11) To any person who is otherwise disqualified pursuant to the provisions of sections
53 302.010 to 302.780, chapter 303, or section 544.046;

54 (12) To any person who is under the age of eighteen years, if such person's parents or
55 legal guardians file a certified document with the department of revenue stating that the director
56 shall not issue such person a driver's license. Each document filed by the person's parents or
57 legal guardians shall be made upon a form furnished by the director and shall include identifying
58 information of the person for whom the parents or legal guardians are denying the driver's
59 license. The document shall also contain identifying information of the person's parents or legal
60 guardians. The document shall be certified by the parents or legal guardians to be true and
61 correct. This provision shall not apply to any person who is legally emancipated. The parents
62 or legal guardians may later file an additional document with the department of revenue which
63 reinstates the person's ability to receive a driver's license.

64 2. Any person whose license is reinstated under the provisions of subdivisions (9) and
65 (10) of subsection 1 of this section shall be required to file proof with the director of revenue that
66 any motor vehicle operated by the person is equipped with a functioning, certified ignition
67 interlock device as a required condition of reinstatement. The ignition interlock device shall
68 further be required to be maintained on all motor vehicles operated by the person for a period of
69 not less than six months immediately following the date of reinstatement. If the person fails to
70 maintain such proof with the director, the license shall be suspended for the remainder of the
71 six-month period or until proof as required by this section is filed with the director. Upon the

72 completion of the six-month period, the license shall be shown as reinstated, if the person is
73 otherwise eligible.

74 3. Any person who petitions the court for reinstatement of his or her license pursuant to
75 subdivision (9) or (10) of subsection 1 of this section shall make application with the Missouri
76 state highway patrol as provided in section 43.540, and shall submit two sets of fingerprints
77 collected pursuant to standards as determined by the highway patrol. One set of fingerprints
78 shall be used by the highway patrol to search the criminal history repository and the second set
79 shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal
80 history files. At the time of application, the applicant shall supply to the highway patrol the court
81 name and case number for the court where he or she has filed his or her petition for
82 reinstatement. The applicant shall pay the fee for the state criminal history check pursuant to
83 section 43.530 and pay the appropriate fee determined by the Federal Bureau of Investigation for
84 the federal criminal history record. The Missouri highway patrol, upon receipt of the results of
85 the criminal history check, shall forward a copy of the results to the circuit court designated by
86 the applicant and to the department. Notwithstanding the provisions of section 610.120, all
87 records related to any criminal history check shall be accessible and available to the director and
88 the court.

302.181. 1. The license issued pursuant to the provisions of sections 302.010 to 302.340
2 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic
3 or other comparable material. All licenses shall be manufactured of materials and processes that
4 will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge, or duplicate
5 any license without ready detection. All licenses shall bear the licensee's Social Security number,
6 if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that
7 the licensee does not possess a Social Security number, or, if applicable, a certified statement
8 must be submitted as provided in subsection 4 of this section. The license shall also bear the
9 expiration date of the license, the classification of the license, the name, date of birth, residence
10 address including the county of residence or a code number corresponding to such county
11 established by the department, and brief description and colored photograph or digitized image
12 of the licensee, and a facsimile of the signature of the licensee. The director shall provide by
13 administrative rule the procedure and format for a licensee to indicate on the back of the license
14 together with the designation for an anatomical gift as provided in section 194.240 the name and
15 address of the person designated pursuant to sections 404.800 to 404.865 as the licensee's
16 attorney in fact for the purposes of a durable power of attorney for health care decisions. No
17 license shall be valid until it has been so signed by the licensee. If any portion of the license is
18 prepared by a private firm, any contract with such firm shall be made in accordance with the
19 competitive purchasing procedures as established by the state director of the division of

20 purchasing. For all licenses issued or renewed after March 1, 1992, the applicant's Social
21 Security number shall serve as the applicant's license number. Where the licensee has no Social
22 Security number, or where the licensee is issued a license without a Social Security number in
23 accordance with subsection 4 of this section, the director shall issue a license number for the
24 licensee and such number shall also include an indicator showing that the number is not a Social
25 Security number.

26 2. All film involved in the production of photographs for licenses shall become the
27 property of the department of revenue.

28 3. The license issued shall be carried at all times by the holder thereof while driving a
29 motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any
30 police officer or peace officer, or any other duly authorized person, for inspection when demand
31 is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any
32 duly authorized officer shall be presumptive evidence that such person is not a duly licensed
33 operator.

34 4. The director of revenue shall issue a commercial or noncommercial driver's license
35 without a Social Security number to an applicant therefor, who is otherwise qualified to be
36 licensed, upon presentation to the director of a certified statement that the applicant objects to
37 the display of the Social Security number on the license. The director shall assign an
38 identification number, that is not based on a Social Security number, to the applicant which shall
39 be displayed on the license in lieu of the Social Security number.

40 5. The director of revenue shall not issue a license without a facial photograph or digital
41 image of the license applicant, except as provided pursuant to subsection 8 of this section. A
42 photograph or digital image of the applicant's full facial features shall be taken in a manner
43 prescribed by the director. No photograph or digital image will be taken wearing anything which
44 cloaks the facial features of the individual.

45 6. The department of revenue may issue a temporary license or a full license without the
46 photograph or with the last photograph or digital image in the department's records to members
47 of the Armed Forces, except that where such temporary license is issued it shall be valid only
48 until the applicant shall have had time to appear and have his or her picture taken and a license
49 with his or her photograph issued.

50 7. The department of revenue shall issue upon request a nondriver's license card
51 containing essentially the same information and photograph or digital image, except as provided
52 pursuant to subsection 8 of this section, as the driver's license upon payment of six dollars. All
53 nondriver's licenses shall expire on the applicant's birthday in the sixth year after issuance. A
54 person who has passed his or her seventieth birthday shall upon application be issued a
55 nonexpiring nondriver's license card. Notwithstanding any other provision of this chapter, a

56 nondriver's license containing a concealed carry endorsement shall expire three years from the
57 date the certificate of qualification was issued pursuant to section [571.101] **319.1025**. The fee
58 for nondriver's licenses issued for a period exceeding three years is six dollars or three dollars
59 for nondriver's licenses issued for a period of three years or less. The nondriver's license card
60 shall be used for identification purposes only and shall not be valid as a license.

61 8. If otherwise eligible, an applicant may receive a driver's license or nondriver's license
62 without a photograph or digital image of the applicant's full facial features except that such
63 applicant's photograph or digital image shall be taken and maintained by the director and not
64 printed on such license. In order to qualify for a license without a photograph or digital image
65 pursuant to this section the applicant must:

66 (1) Present a form provided by the department of revenue requesting the applicant's
67 photograph be omitted from the license or nondriver's license due to religious affiliations. The
68 form shall be signed by the applicant and another member of the religious tenant verifying the
69 photograph or digital image exemption on the license or nondriver's license is required as part
70 of their religious affiliation. The required signatures on the prescribed form shall be properly
71 notarized;

72 (2) Provide satisfactory proof to the director that the applicant has been a U.S. citizen for
73 at least five years and a resident of this state for at least one year, except that an applicant moving
74 to this state possessing a valid driver's license from another state without a photograph shall be
75 exempt from the one-year state residency requirement. The director may establish rules necessary
76 to determine satisfactory proof of citizenship and residency pursuant to this section;

77 (3) Applications for a driver's license or nondriver's license without a photograph or
78 digital image must be made in person at a license office determined by the director. The director
79 is authorized to limit the number of offices that may issue a driver's or nondriver's license
80 without a photograph or digital image pursuant to this section.

81 9. The department of revenue shall make available, at one or more locations within the
82 state, an opportunity for individuals to have their full facial photograph taken by an employee
83 of the department of revenue, or their designee, who is of the same sex as the individual being
84 photographed, in a segregated location.

85 10. Beginning July 1, 2005, the director shall not issue a driver's license or a nondriver's
86 license for a period that exceeds an applicant's lawful presence in the United States. The director
87 may, by rule or regulation, establish procedures to verify the lawful presence of the applicant and
88 establish the duration of any driver's license or nondriver's license issued under this section.

89 11. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall
90 become effective unless it is promulgated pursuant to the provisions of chapter 536.

302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege have been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege have been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension.

Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision (10) of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege as defined in section 302.010. Upon completion of such period of restricted driving privilege, upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, the license and driving privilege shall be reinstated. If a person, otherwise subject to the provisions of this subsection, files proof of installation with the department of revenue that any vehicle operated by such person is equipped with a functioning, certified ignition interlock device, then the period of suspension shall be fifteen days, followed by a seventy-five day period of restricted driving

37 privilege. If the person fails to maintain such proof of the device with the director of revenue as
38 required, the restricted driving privilege shall be terminated. Upon completion of such seventy-
39 five day period of restricted driving privilege, upon compliance with other requirements of law,
40 and upon filing of proof of financial responsibility with the department of revenue, in accordance
41 with chapter 303, the license and driving privilege shall be reinstated. However, if the monthly
42 monitoring reports during such seventy-five day period indicate that the ignition interlock device
43 has registered a blood alcohol concentration level above the alcohol setpoint established by the
44 department of transportation or such reports indicate that the ignition interlock device has been
45 tampered with or circumvented, then the license and driving privilege of such person shall not
46 be reinstated until the person completes an additional seventy-five day period of restricted
47 driving privilege without any such violations.

48 6. If the person fails to maintain proof of financial responsibility in accordance with
49 chapter 303, or, if applicable, if the person fails to maintain proof that any vehicle operated is
50 equipped with a functioning, certified ignition interlock device installed pursuant to subsection
51 5 of this section, the person's driving privilege and license shall be resuspended.

52 7. The director shall revoke the license and driving privilege of any person when the
53 person's driving record shows such person has accumulated twelve points in twelve months or
54 eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation
55 period of any person whose license and driving privilege have been revoked under the provisions
56 of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the
57 department of revenue in accordance with chapter 303 and is otherwise eligible, shall be
58 terminated by a notice from the director of revenue after one year from the effective date of the
59 revocation. Unless proof of financial responsibility is filed with the department of revenue,
60 except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for
61 a period of two years from its effective date. If the person fails to maintain proof of financial
62 responsibility in accordance with chapter 303, the person's license and driving privilege shall be
63 rerevoked. Any person whose license and driving privilege have been revoked under the
64 provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the
65 revocation from the director, pass the complete driver examination and apply for a new license
66 before again operating a motor vehicle upon the highways of this state.

67 8. If, prior to conviction for an offense that would require suspension or revocation of a
68 person's license under the provisions of this section, the person's total points accumulated are
69 reduced, pursuant to the provisions of section 302.306, below the number of points required for
70 suspension or revocation pursuant to the provisions of this section, then the person's license shall
71 not be suspended or revoked until the necessary points are again obtained and accumulated.

72 9. If any person shall neglect or refuse to surrender the person's license, as provided
73 herein, the director shall direct the state highway patrol or any peace or police officer to secure
74 possession thereof and return it to the director.

75 10. Upon the issuance of a reinstatement or termination notice after a suspension or
76 revocation of any person's license and driving privilege under the provisions of sections 302.010
77 to 302.540, the accumulated point value shall be reduced to four points, except that the points
78 of any person serving as a member of the Armed Forces of the United States outside the limits
79 of the United States during a period of suspension or revocation shall be reduced to zero upon
80 the date of the reinstatement or termination of notice. It shall be the responsibility of such
81 member of the Armed Forces to submit copies of official orders to the director of revenue to
82 substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the
83 contrary notwithstanding, the effective date of the four points remaining on the record upon
84 reinstatement or termination shall be the date of the reinstatement or termination notice.

85 11. No credit toward reduction of points shall be given during periods of suspension or
86 revocation or any period of driving under a limited driving privilege granted by a court or the
87 director of revenue.

88 12. Any person or nonresident whose license or privilege to operate a motor vehicle in
89 this state has been suspended or revoked under this or any other law shall, before having the
90 license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee
91 of twenty dollars which shall be in addition to all other fees provided by law.

92 13. Notwithstanding any other provision of law to the contrary, if after two years from
93 the effective date of any suspension or revocation issued under this chapter, the person or
94 nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such
95 license or privilege to operate a motor vehicle in this state.

96 14. No person who has had a license to operate a motor vehicle suspended or revoked as
97 a result of an assessment of points for a violation under subdivision (8), (9) or (10) of subsection
98 1 of section 302.302 shall have that license reinstated until such person has participated in and
99 successfully completed a substance abuse traffic offender program defined in section 302.010,
100 or a program determined to be comparable by the department of mental health. Assignment
101 recommendations, based upon the needs assessment as described in subdivision (22) of section
102 302.010, shall be delivered in writing to the person with written notice that the person is entitled
103 to have such assignment recommendations reviewed by the court if the person objects to the
104 recommendations. The person may file a motion in the associate division of the circuit court of
105 the county in which such assignment was given, on a printed form provided by the state courts
106 administrator, to have the court hear and determine such motion pursuant to the provisions of
107 chapter 517. The motion shall name the person or entity making the needs assessment as the

108 respondent and a copy of the motion shall be served upon the respondent in any manner allowed
109 by law. Upon hearing the motion, the court may modify or waive any assignment
110 recommendation that the court determines to be unwarranted based upon a review of the needs
111 assessment, the person's driving record, the circumstances surrounding the offense, and the
112 likelihood of the person committing a like offense in the future, except that the court may modify
113 but may not waive the assignment to an education or rehabilitation program of a person
114 determined to be a prior or persistent offender as defined in section [577.023] **577.001** or of a
115 person determined to have operated a motor vehicle with fifteen-hundredths of one percent or
116 more by weight in such person's blood. Compliance with the court determination of the motion
117 shall satisfy the provisions of this section for the purpose of reinstating such person's license to
118 operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant
119 to this subsection shall not be necessary unless directed by the court.

120 15. The fees for the program authorized in subsection 14 of this section, or a portion
121 thereof to be determined by the department of mental health, shall be paid by the person enrolled
122 in the program. Any person who is enrolled in the program shall pay, in addition to any fee
123 charged for the program, a supplemental fee in an amount to be determined by the department
124 of mental health for the purposes of funding the substance abuse traffic offender program defined
125 in section 302.010 [and section 577.001] or a program determined to be comparable by the
126 department of mental health. The administrator of the program shall remit to the division of
127 alcohol and drug abuse of the department of mental health on or before the fifteenth day of each
128 month the supplemental fee for all persons enrolled in the program, less two percent for
129 administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees
130 due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not
131 to exceed the annual rate established pursuant to the provisions of section 32.065, plus three
132 percentage points. The supplemental fees and any interest received by the department of mental
133 health pursuant to this section shall be deposited in the mental health earnings fund which is
134 created in section 630.053.

135 16. Any administrator who fails to remit to the division of alcohol and drug abuse of the
136 department of mental health the supplemental fees and interest for all persons enrolled in the
137 program pursuant to this section shall be subject to a penalty equal to the amount of interest
138 accrued on the supplemental fees due the division pursuant to this section. If the supplemental
139 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the
140 department of mental health within six months of the due date, the attorney general of the state
141 of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.
142 The court shall assess attorney fees and court costs against any delinquent program.

143 17. Any person who has had a license to operate a motor vehicle suspended or revoked
144 as a result of an assessment of points for a violation under subdivision (9) of subsection 1 of
145 section 302.302 shall be required to file proof with the director of revenue that any motor vehicle
146 operated by the person is equipped with a functioning, certified ignition interlock device as a
147 required condition of reinstatement of the license. The ignition interlock device shall further be
148 required to be maintained on all motor vehicles operated by the person for a period of not less
149 than six months immediately following the date of reinstatement. If the monthly monitoring
150 reports show that the ignition interlock device has registered any confirmed blood alcohol
151 concentration readings above the alcohol setpoint established by the department of transportation
152 or that the person has tampered with or circumvented the ignition interlock device, then the
153 period for which the person must maintain the ignition interlock device following the date of
154 reinstatement shall be extended for an additional six months. If the person fails to maintain such
155 proof with the director, the license shall be resuspended or revoked and the person shall be guilty
156 of a class A misdemeanor.

 302.321. 1. A person commits the [crime] **offense** of driving while revoked if such
2 person operates a motor vehicle on a highway when such person's license or driving privilege
3 has been cancelled, suspended, or revoked under the laws of this state or any other state and acts
4 with criminal negligence with respect to knowledge of the fact that such person's driving
5 privilege has been cancelled, suspended, or revoked.

6 2. Any person convicted of driving while revoked is guilty of a misdemeanor. A first
7 violation of this section shall be punishable [by a fine not to exceed three hundred dollars] **as a**
8 **class D misdemeanor**. A second or third violation of this section shall be punishable [by
9 imprisonment in the county jail for a term not to exceed one year and/or a fine not to exceed one
10 thousand dollars] **as a class A misdemeanor**. Any person with no prior alcohol-related
11 enforcement contacts as defined in section 302.525, convicted a fourth or subsequent time of
12 driving while revoked or a county or municipal ordinance of driving while suspended or revoked
13 where the defendant was represented by or waived the right to an attorney in writing, and where
14 the prior three driving-while-revoked offenses occurred within ten years of the date of occurrence
15 of the present offense; and any person with a prior alcohol-related enforcement contact as
16 defined in section 302.525, convicted a third or subsequent time of driving while revoked or a
17 county or municipal ordinance of driving while suspended or revoked where the defendant was
18 represented by or waived the right to an attorney in writing, and where the prior two
19 driving-while-revoked offenses occurred within ten years of the date of occurrence of the present
20 offense and where the person received and served a sentence of ten days or more on such
21 previous offenses is guilty of a class [D] **E felony**. Except upon conviction as a first offense, no
22 court shall suspend the imposition of sentence as to such a person nor sentence such person to

23 pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or
24 probation until such person has served a minimum of forty-eight consecutive hours of
25 imprisonment, unless as a condition of such parole or probation, such person performs at least
26 ten days involving at least forty hours of community service under the supervision of the court
27 in those jurisdictions which have a recognized program for community service. Driving while
28 revoked is a class [D] E felony on the second or subsequent conviction pursuant to section
29 577.010 or a fourth or subsequent conviction for any other offense. Prior pleas of guilty and
30 prior findings of guilty shall be pleaded and proven in the same manner as required by section
31 558.021.

[577.500.] **302.400.** 1. A court of competent jurisdiction shall, upon a [plea of guilty,
2 conviction or] finding of guilt, or, if the court is a juvenile court, upon a finding of fact that the
3 offense was committed by a juvenile, enter an order suspending or revoking the driving
4 privileges of any person determined to have committed one of the following offenses and who,
5 at the time said offense was committed, was under twenty-one years of age:

6 (1) Any alcohol-related traffic offense in violation of state law or a county or[, beginning
7 July 1, 1992,] municipal ordinance, where the defendant was represented by, or waived **in**
8 **writing** the right to, an attorney [in writing];

9 (2) Any offense in violation of state law or[, beginning July 1, 1992,] a county or
10 municipal ordinance, where the defendant was represented by, or waived **in writing** the right to,
11 an attorney [in writing], involving the possession or use of alcohol, committed while operating
12 a motor vehicle;

13 (3) Any offense involving the possession or use of a controlled substance as defined in
14 chapter 195 in violation of [the] state law or[, beginning July 1, 1992,] a county or municipal
15 ordinance, where the defendant was represented by, or waived **in writing** the right to, an attorney
16 [in writing];

17 (4) Any offense involving the alteration, modification, or misrepresentation of a license
18 to operate a motor vehicle in violation of section 311.328;

19 (5) Any **subsequent** offense in violation of state law or[, beginning July 1, 1992,] a
20 county or municipal ordinance, where the defendant was represented by, or waived **in writing**
21 the right to, an attorney [in writing], involving the possession or use of alcohol [for a second
22 time]; except that a determination of guilt or its equivalent shall have been made for the first
23 offense and both offenses shall have been committed by the person when the person was under
24 eighteen years of age.

25 2. A court of competent jurisdiction shall, upon a [plea of guilty or nolo contendere,
26 conviction or] finding of guilt, or, if the court is a juvenile court, upon a finding of fact that the
27 offense was committed by a juvenile, enter an order suspending or revoking the driving

28 privileges of any person determined to have committed a [crime or] violation of section 311.325
29 and who, at the time said [crime or] violation was committed, was more than fifteen years of age
30 and under twenty-one years of age.

31 3. The court shall require the **person against whom a court has entered an order**
32 **suspending or revoking driving privileges under subsections 1 and 2 of this section to**
33 surrender [to it of] any license to operate a motor vehicle, temporary instruction permit,
34 intermediate driver's license, or any other driving privilege then held by [any] **such** person
35 [against whom a court has entered an order suspending or revoking driving privileges under
36 subsections 1 and 2 of this section].

37 4. The court, if other than a juvenile court, shall forward to the director of revenue the
38 order of suspension or revocation of driving privileges and any licenses, temporary instruction
39 permits, intermediate driver's licenses, or any other driving privilege acquired under subsection
40 3 of this section.

41 5. (1) **Notwithstanding chapter 211 to the contrary**, the court, if a juvenile court, shall
42 forward to the director of revenue the order of suspension or revocation of driving privileges and
43 any licenses, temporary instruction permits, intermediate driver's licenses, or any other driving
44 privilege acquired under subsection 3 of this section for any person sixteen years of age or older[,
45 the provision of chapter 211 to the contrary notwithstanding].

46 (2) **Notwithstanding chapter 211 to the contrary**, the court, if a juvenile court, shall
47 hold the order of suspension or revocation of driving privileges for any person less than sixteen
48 years of age until thirty days before the person's sixteenth birthday, at which time the juvenile
49 court shall forward to the director of revenue the order of suspension or revocation of driving
50 privileges[, the provision of chapter 211 to the contrary notwithstanding].

51 6. The period of suspension for a first offense under subsection 1 of this section shall be
52 ninety days. Any second or subsequent offense under subsection 1 of this section shall result in
53 revocation of the offender's driving privileges for one year. The period of suspension for a first
54 offense under subsection 2 of this section shall be thirty days. The period of suspension for a
55 second offense under subsection 2 of this section shall be ninety days. Any third or subsequent
56 offense under subsection 2 of this section shall result in revocation of the offender's driving
57 privileges for one year.

[577.505.] **302.405.** A court of competent jurisdiction shall enter an order revoking the
2 driving privileges of any person determined to have violated any state, county, or municipal law
3 involving the possession or use of a controlled substance, as defined in chapter 195, while
4 operating a motor vehicle and who, at the time said offense was committed, was twenty-one
5 years of age or older [when the person pleads guilty, or is convicted or found guilty of such
6 offense by the court]. The court shall require the **person to** surrender to [it of] **the court all**

7 operator's and chauffeur's licenses then held by such person. The court shall forward to the
8 director of revenue the order of revocation of driving privileges and any licenses surrendered.

[577.510.] **302.410.** 1. Upon receipt of a court order suspending or revoking the driving
2 privileges of a person [pursuant to sections 577.500 and 577.505] **under sections 302.400 and**
3 **302.405**, the director of revenue shall suspend the driving privileges for ninety days or revoke
4 the driving privileges of such person for a period of one year, provided however, that in the case
5 of a person who at the time of the offense was less than sixteen years of age, the period of
6 suspension or revocation shall commence on that person's sixteenth birthday. The provisions of
7 **this** chapter [302] to the contrary notwithstanding, the suspension or revocation shall be imposed
8 without further hearing. Any person whose driving privileges have been suspended or revoked
9 [pursuant to sections 577.500 and 577.505] **under sections 302.400 and 302.405** may petition
10 the circuit court for a hardship driving privilege and said application shall be determined and
11 administered in the same manner as allowed in section 302.309.

12 2. The director of revenue shall permit the issuance of a temporary instruction permit in
13 the same manner as allowed in subsection [2] **3** of section 302.130 to persons fifteen years of age
14 and under seventeen years of age denied driving privileges by court order pursuant to section
15 [577.500] **302.400**. This exception only applies to instruction permits that entitle a person to
16 operate a motor vehicle on the highways in the presence of an authorized instructor.

[577.515.] **302.415.** If a person shall neglect or refuse to surrender all operator's and
2 chauffeur's licenses, as provided for in sections [577.500 and 577.505] **302.400 and 302.405**,
3 the director shall direct the state highway patrol or any peace or police officer to secure
4 possession thereof and return such license or licenses to the director.

[577.520.] **302.420.** 1. No person who has had his license suspended or revoked under
2 the provisions of sections [577.500 and 577.505] **302.400 and 302.405** shall have that license
3 reinstated until he **or she** has paid a twenty-dollar reinstatement fee and has successfully
4 completed a substance abuse traffic offender program as defined in section [577.001] **302.010**.

5 2. The fees for the substance abuse traffic offender program, or a portion thereof to be
6 determined by the division of alcohol and drug abuse of the department of mental health, shall
7 be paid by the person enrolled in the program. Any person who is enrolled in the program shall
8 pay, in addition to any fee charged for the program, a supplemental fee to be determined by the
9 department of mental health for the purposes of funding the substance abuse traffic offender
10 program defined in section 302.010 [and section 577.001], or a program determined to be
11 comparable by the department of mental health. The administrator of the program shall remit
12 to the division of alcohol and drug abuse of the department of mental health on or before the
13 fifteenth of each month the supplemental fees for all persons enrolled in the program, less two
14 percent for administrative costs. Interest shall be charged on any unpaid balance of the

15 supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall
16 accrue at a rate not to exceed the annual rates established pursuant to the provisions of section
17 32.065 plus three percentage points. The supplemental fees and any interest received by the
18 department of mental health pursuant to this section shall be deposited in the mental health
19 earnings fund which is created in section 630.053.

20 3. Any administrator who fails to remit to the division of alcohol and drug abuse of the
21 department of mental health the supplemental fees and interest for all persons enrolled in the
22 program pursuant to this section shall be subject to a penalty equal to the amount of interest
23 accrued on the supplemental fees due the division pursuant to this section. If the supplemental
24 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the
25 department of mental health within six months of the due date, the attorney general of the state
26 of Missouri shall initiate appropriate action [of the collection of] **to collect** said fees and **any**
27 **accrued** interest [accrued]. The court shall assess attorney fees and court costs against any
28 delinquent program.

[577.525.] **302.425.** Any court which has jurisdiction over violations of state, county or
2 municipal laws shall enter an order, in addition to other orders authorized by law, requiring the
3 completion of a substance abuse traffic offender program as defined in section [577.001]
4 **302.010**, as a part of the judgment entered in the case, for any person determined to have violated
5 a state, county, or municipal law involving the possession or use of alcohol and who at the time
6 of said offense was under twenty-one years of age when the court, if a juvenile court, finds that
7 the offense was committed by such person or, if a city, county, or state court, when the person
8 pleads guilty, or is found guilty of such offense by the court.

[577.530.] **302.426.** The director of revenue shall have authority to make such rules and
2 regulations as he deems necessary for the administration of sections [577.500 to 577.525]. No
3 rule or portion of a rule promulgated under the authority of sections 577.500 to 577.530 shall
4 become effective unless it has been promulgated pursuant to the provisions of section 536.024]
5 **302.400 to 302.425. Any rule or portion of a rule, as that term is defined in section 536.010,**
6 **that is created under the authority delegated in this section shall become effective only if**
7 **it complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
8 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
9 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
10 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
11 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2013,**
12 **shall be invalid and void.**

302.440. In addition to any other provisions of law, a court may require that any
2 **person who is found guilty of a first intoxication-related traffic offense, as defined in**

3 section 577.001, and a court shall require that any person who is found guilty of or pleads
4 guilty to a second or subsequent intoxication-related traffic offense, as defined in section
5 577.001, shall not operate any motor vehicle unless that vehicle is equipped with a
6 functioning, certified ignition interlock device for a period of not less than six months from
7 the date of reinstatement of the person's driver's license. In addition, any court authorized
8 to grant a limited driving privilege under section 302.309 to any person who is found guilty
9 of a second or subsequent intoxication-related traffic offense shall require the use of an
10 ignition interlock device on all vehicles operated by the person as a required condition of
11 the limited driving privilege. These requirements shall be in addition to any other
12 provisions of this chapter or chapter 577 requiring installation and maintenance of an
13 ignition interlock device. Any person required to use an ignition interlock device shall
14 comply with such requirement subject to the penalties provided by section 577.599.

[577.602.] 302.442. 1. If a court imposes a fine and requires the use of an ignition
2 interlock device for the same offense, the amount of the fine may be reduced by the cost of the
3 ignition interlock device.

4 2. If the court requires the use of an ignition interlock device, it shall order the
5 installation of the device on any vehicle which the offender operates during the period of
6 probation or limited driving privilege.

7 3. If the court imposes the use of an ignition interlock device on a person having full or
8 limited driving privileges, the court shall require the person to provide proof of compliance with
9 the order to the court or the probation officer within thirty days of this court's order or sooner,
10 as required by the court, in addition to any proof required to be filed with the director of revenue
11 under the provisions of this chapter or chapter [302] 577. If the person fails to provide proof of
12 installation within that period, absent a finding by the court of good cause for that failure which
13 is entered in the court record, the court shall revoke or terminate the person's probation or limited
14 driving privilege.

15 4. Nothing in sections [577.600 to 577.614] 302.440 to 302.462 shall be construed to
16 authorize a person to operate a motor vehicle whose driving privileges have been suspended or
17 revoked, unless the person has obtained a limited driving privilege or restricted driving privilege
18 under other provisions of law.

19 5. The person whose driving privilege is restricted pursuant to section [577.600] 302.440
20 shall report to the court or the probation officer at least once annually, or more frequently as the
21 court may order, on the operation of each ignition interlock device in the person's vehicle or
22 vehicles. Such person shall be responsible for the cost and maintenance of the ignition interlock
23 device. If such device is broken, destroyed or stolen, such person shall also be liable for the cost
24 of replacement of the device.

25 6. The court may require a person whose driving privilege is restricted under section
26 [577.600] **302.440** to report to any officer appointed by the court in lieu of a probation officer.

27 7. The court shall require periodic calibration checks that are needed for the proper
28 operation of the ignition interlock device.

 [577.604.] **302.454.** The court shall require the use of a certified ignition interlock device
2 during the period of probation if the person is permitted to operate a motor vehicle, whether the
3 privilege to operate a motor vehicle is restricted or not, as determined by the court.

 [577.606.] **302.456.** The court shall send the order to the department of revenue in all
2 cases where the driving privilege of a person is restricted pursuant to section [577.600] **302.440**.
3 The order shall contain the requirement for, and the period of, the use of a certified ignition
4 interlock device under sections [577.600 to 577.614] **302.440 to 302.462**. The records of the
5 department of revenue shall contain a record reflecting mandatory use of the device.

 [577.608.] **302.458.** 1. The department of public safety shall certify or cause to be
2 certified ignition interlock devices required by sections [577.600 to 577.614] **302.440 to 302.462**
3 and publish a list of approved devices.

4 2. The department of public safety shall adopt guidelines for the proper use of the
5 ignition interlock devices in full compliance with sections [577.600 to 577.614] **sections 302.440**
6 **to 302.462**.

7 3. The department of public safety shall use information from an independent agency to
8 certify ignition interlock devices on or off the premises of the manufacturer in accordance with
9 the guidelines. The cost of certification shall be borne by the manufacturers of interlock ignition
10 devices. In certifying the devices, those which do not impede the safe operation of the vehicle
11 and which have the fewest opportunities to be bypassed so as to render the provisions of sections
12 [577.600 to 577.614] **302.440 to 302.462** ineffective shall be certified.

13 4. No model of ignition interlock device shall be certified unless it meets the accuracy
14 requirements specified by the guidelines of the department of public safety.

15 5. Before certifying any device, the department of public safety shall consult with the
16 National Highway Traffic Safety Administration regarding the use of ignition interlock devices.

 [577.610.] **302.460.** The manufacturer shall affix to each ignition interlock device a label
2 which shall contain a warning that any person tampering, circumventing or otherwise misusing
3 the device is guilty of a class A misdemeanor.

 [577.614.] **302.462.** 1. In addition to any other provisions of law, upon a finding of
2 [guilty of, or a plea of guilty to,] **guilt to** a violation of [subsection 1 of section 577.600] **section**
3 **577.599**, the department of revenue shall revoke the person's driving privilege for one year from
4 the date of conviction.

5 2. In addition to any other provision of law, if a person is found guilty of, or pleads guilty
6 to, a second violation of [subsection 1 of section 577.600] **section 577.599** during the same
7 period of required use of an approved ignition interlock device, the department of revenue shall
8 revoke the person's driving privilege for five years from the date of conviction.

9 3. The court shall notify the department of revenue of all guilty findings and pleas
10 [pursuant to subsection 1 of section 577.600] **under section 577.599**.

11 4. The department of revenue shall charge a reinstatement fee as required by section
12 302.304 prior to the reinstatement of any driving privilege suspended or revoked pursuant to this
13 section.

14 5. No restricted or limited driving privilege shall be issued for any person whose license
15 is revoked pursuant to this section.

302.500. As used in sections 302.500 to 302.540, the following terms mean:

2 (1) "Alcohol concentration", the amount of alcohol in a person's blood at the time of the
3 act alleged as shown by chemical analysis of the person's blood, breath, saliva or urine;

4 (2) "Department", the department of revenue of the state of Missouri;

5 (3) "Director", the director of the department of revenue or his **or her** authorized
6 representative;

7 (4) "Driver's license" or "license", a license, permit, or privilege to drive a motor vehicle
8 issued under or granted by the laws of this state. The term includes any temporary license or
9 instruction permit, any nonresident operating privilege, and the privilege of any person to drive
10 a motor vehicle whether or not the person holds a valid license;

11 (5) "Revocation", the termination by formal action of the department of a person's
12 license. A revoked license is not subject to renewal or restoration except that an application for
13 a new license may be presented and acted upon by the department after the expiration of the
14 revocation period;

15 (6) "State", a state, territory, or possession of the United States, the District of Columbia,
16 the Commonwealth of Puerto Rico, and any province of Canada;

17 (7) "Suspension", the temporary withdrawal by formal action of the department of a
18 person's license. The suspension shall be for a period specifically designated by the department
19 pursuant to the provisions of sections 302.500 to 302.540.

302.540. 1. No person who has had a license to operate a motor vehicle suspended or
2 revoked under the provisions of sections 302.500 to 302.540 shall have that license reinstated
3 until such person has participated in and successfully completed a substance abuse traffic
4 offender program defined in section 302.010, or a program determined to be comparable by the
5 department of mental health. Assignment recommendations, based upon the needs assessment
6 as described in subdivision (22) of section 302.010, shall be delivered in writing to the person

7 with written notice that the person is entitled to have such assignment recommendations
8 reviewed by the court if the person objects to the recommendations. The person may file a
9 motion in the associate division of the circuit court of the county in which such assignment was
10 given, on a printed form provided by the state courts administrator, to have the court hear and
11 determine such motion pursuant to the provisions of chapter 517. The motion shall name the
12 person or entity making the needs assessment as the respondent and a copy of the motion shall
13 be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court
14 may modify or waive any assignment recommendation that the court determines to be
15 unwarranted based upon a review of the needs assessment, the person's driving record, the
16 circumstances surrounding the offense, and the likelihood of the person committing a like
17 offense in the future, except that the court may modify but may not waive the assignment to an
18 education or rehabilitation program of a person determined to be a prior or persistent offender
19 as defined in section [577.023] **577.001** or of a person determined to have operated a motor
20 vehicle with fifteen-hundredths of one percent or more by weight in such person's blood.
21 Compliance with the court determination of the motion shall satisfy the provisions of this section
22 for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's
23 personal appearance at any hearing conducted pursuant to this subsection shall not be necessary
24 unless directed by the court.

25 2. The fees for the program authorized in subsection 1 of this section, or a portion thereof
26 to be determined by the division of alcohol and drug abuse of the department of mental health,
27 shall be paid by the person enrolled in the program. Any person who is enrolled in the program
28 shall pay, in addition to any fee charged for the program, a supplemental fee to be determined
29 by the department of mental health for the purposes of funding the substance abuse traffic
30 offender program defined in section 302.010 [and section 577.001] or a program determined to
31 be comparable by the department of mental health. The administrator of the program shall remit
32 to the division of alcohol and drug abuse of the department of mental health on or before the
33 fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two
34 percent for administrative costs. Interest shall be charged on any unpaid balance of the
35 supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall
36 accrue at a rate not to exceed the annual rate established pursuant to the provision of section
37 32.065 plus three percentage points. The supplemental fees and any interest received by the
38 department of mental health pursuant to this section shall be deposited in the mental health
39 earnings fund which is created in section 630.053.

40 3. Any administrator who fails to remit to the division of alcohol and drug abuse of the
41 department of mental health the supplemental fees and interest for all persons enrolled in the
42 program pursuant to this section shall be subject to a penalty equal to the amount of interest

43 accrued on the supplemental fees due the division pursuant to this section. If the supplemental
44 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the
45 department of mental health within six months of the due date, the attorney general of the state
46 of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.
47 The court shall assess attorney fees and court costs against any delinquent program.

48 4. Court-ordered participation in a substance abuse traffic offender program, pursuant to
49 section [577.049] **302.580**, shall satisfy the requirements of this section if the court action arose
50 out of the same occurrence that resulted in a person's license being administratively suspended
51 or revoked.

52 5. The division of alcohol and drug abuse of the department of mental health may create
53 a treatment demonstration project within existing appropriations and shall develop and certify
54 a program to provide education or rehabilitation services for individuals determined by the
55 division to be serious or repeat offenders. The program shall qualify as a substance abuse traffic
56 offender program. As used in this subsection, a "serious or repeat offender" is one who was
57 determined to have a blood alcohol content of fifteen-hundredths of one percent or more by
58 weight while operating a motor vehicle or a prior or persistent offender as defined in section
59 [577.023] **577.001**.

302.541. 1. In addition to other fees required by law, any person who has had a license
2 to operate a motor vehicle suspended or revoked following a determination, pursuant to section
3 302.505, or section **302.410, 302.574, 577.010, or 577.012, [577.041 or 577.510,]** or any county
4 or municipal ordinance, where the defendant was represented by or waived the right to an
5 attorney, that such person was driving while intoxicated or with a blood alcohol content of eight-
6 hundredths of one percent or more by weight or, where such person was at the time of the arrest
7 less than twenty-one years of age and was driving with a blood alcohol content of two-
8 hundredths of one percent or more by weight, shall pay an additional fee of twenty-five dollars
9 prior to the reinstatement or reissuance of the license.

10 2. Any person less than twenty-one years of age whose driving privilege has been
11 suspended or revoked solely for a first determination pursuant to sections 302.500 to 302.540
12 that such person was driving a motor vehicle with two-hundredths of one percent or more blood
13 alcohol content is exempt from filing proof of financial responsibility with the department of
14 revenue in accordance with chapter 303 as a prerequisite for reinstatement of driving privileges
15 or obtaining a restricted driving privilege as provided by section 302.525.

302.574. 1. If a person who was operating a vehicle refuses upon the request of the
2 **officer to submit to any chemical test under section 577.041, the officer shall, on behalf of**
3 **the director of revenue, serve the notice of license revocation personally upon the person**
4 **and shall take possession of any license to operate a vehicle issued by this state which is**

5 held by that person. The officer shall issue a temporary permit, on behalf of the director
6 of revenue, which is valid for fifteen days and shall also give the person notice of his or her
7 right to file a petition for review to contest the license revocation.

8 2. Such officer shall make a certified report under penalties of perjury for making
9 a false statement to a public official. The report shall be forwarded to the director of
10 revenue and shall include the following:

11 (1) That the officer has:

12 (a) Reasonable grounds to believe that the arrested person was driving a motor
13 vehicle while in an intoxicated condition; or

14 (b) Reasonable grounds to believe that the person stopped, being under the age of
15 twenty-one years, was driving a motor vehicle with a blood alcohol content of
16 two-hundredths of one percent or more by weight; or

17 (c) Reasonable grounds to believe that the person stopped, being under the age of
18 twenty-one years, was committing a violation of the traffic laws of the state, or political
19 subdivision of the state, and such officer has reasonable grounds to believe, after making
20 such stop, that the person had a blood alcohol content of two-hundredths of one percent
21 or greater;

22 (2) That the person refused to submit to a chemical test;

23 (3) Whether the officer secured the license to operate a motor vehicle of the person;

24 (4) Whether the officer issued a fifteen-day temporary permit;

25 (5) Copies of the notice of revocation, the fifteen-day temporary permit, and the
26 notice of the right to file a petition for review. The notices and permit may be combined
27 in one document; and

28 (6) Any license, which the officer has taken into possession, to operate a motor
29 vehicle.

30 3. Upon receipt of the officer's report, the director shall revoke the license of the
31 person refusing to take the test for a period of one year; or if the person is a nonresident,
32 such person's operating permit or privilege shall be revoked for one year; or if the person
33 is a resident without a license or permit to operate a motor vehicle in this state, an order
34 shall be issued denying the person the issuance of a license or permit for a period of one
35 year.

36 4. If a person's license has been revoked because of the person's refusal to submit
37 to a chemical test, such person may petition for a hearing before a circuit division or
38 associate division of the court in the county in which the arrest or stop occurred. The
39 person may request such court to issue an order staying the revocation until such time as
40 the petition for review can be heard. If the court, in its discretion, grants such stay, it shall

41 enter the order upon a form prescribed by the director of revenue and shall send a copy
42 of such order to the director. Such order shall serve as proof of the privilege to operate a
43 motor vehicle in this state and the director shall maintain possession of the person's license
44 to operate a motor vehicle until termination of any revocation under this section. Upon the
45 person's request, the clerk of the court shall notify the prosecuting attorney of the county
46 and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the
47 hearing, the court shall determine only:

48 (1) Whether the person was arrested or stopped;

49 (2) Whether the officer had:

50 (a) Reasonable grounds to believe that the person was driving a motor vehicle while
51 in an intoxicated or drugged condition; or

52 (b) Reasonable grounds to believe that the person stopped, being under the age of
53 twenty-one years, was driving a motor vehicle with a blood alcohol content of
54 two-hundredths of one percent or more by weight; or

55 (c) Reasonable grounds to believe that the person stopped, being under the age of
56 twenty-one years, was committing a violation of the traffic laws of the state, or political
57 subdivision of the state, and such officer had reasonable grounds to believe, after making
58 such stop, that the person had a blood alcohol content of two-hundredths of one percent
59 or greater; and

60 (3) Whether the person refused to submit to the test.

61 5. If the court determines any issue not to be in the affirmative, the court shall
62 order the director to reinstate the license or permit to drive.

63 6. Requests for review as provided in this section shall go to the head of the docket
64 of the court wherein filed.

65 7. No person who has had a license to operate a motor vehicle suspended or revoked
66 under the provisions of this section shall have that license reinstated until such person has
67 participated in and successfully completed a substance abuse traffic offender program
68 defined in section 302.010, or a program determined to be comparable by the department
69 of mental health. Assignment recommendations, based upon the needs assessment as
70 described in subdivision (23) of section 302.010, shall be delivered in writing to the person
71 with written notice that the person is entitled to have such assignment recommendations
72 reviewed by the court if the person objects to the recommendations. The person may file
73 a motion in the associate division of the circuit court of the county in which such
74 assignment was given, on a printed form provided by the state courts administrator, to
75 have the court hear and determine such motion under the provisions of chapter 517. The
76 motion shall name the person or entity making the needs assessment as the respondent and

77 a copy of the motion shall be served upon the respondent in any manner allowed by law.
78 Upon hearing the motion, the court may modify or waive any assignment recommendation
79 that the court determines to be unwarranted based upon a review of the needs assessment,
80 the person's driving record, the circumstances surrounding the offense, and the likelihood
81 of the person committing a similar offense in the future, except that the court may modify
82 but may not waive the assignment of a person determined to be a prior or persistent
83 offender as defined in section 577.001, or of a person determined to have operated a motor
84 vehicle with a blood alcohol content of fifteen-hundredths of one percent or more by
85 weight. Compliance with the court determination of the motion shall satisfy the provisions
86 of this section for the purpose of reinstating such person's license to operate a motor
87 vehicle. The respondent's personal appearance at any hearing conducted under this
88 subsection shall not be necessary unless directed by the court.

89 8. The fees for the substance abuse traffic offender program, or a portion thereof,
90 to be determined by the division of alcohol and drug abuse of the department of mental
91 health, shall be paid by the person enrolled in the program. Any person who is enrolled
92 in the program shall pay, in addition to any fee charged for the program, a supplemental
93 fee to be determined by the department of mental health for the purposes of funding the
94 substance abuse traffic offender program defined in section 302.010. The administrator
95 of the program shall remit to the division of alcohol and drug abuse of the department of
96 mental health on or before the fifteenth day of each month the supplemental fee for all
97 persons enrolled in the program, less two percent for administrative costs. Interest shall
98 be charged on any unpaid balance of the supplemental fees due to the division of alcohol
99 and drug abuse under this section, and shall accrue at a rate not to exceed the annual rates
100 established under the provisions of section 32.065, plus three percentage points. The
101 supplemental fees and any interest received by the department of mental health under this
102 section shall be deposited in the mental health earnings fund, which is created in section
103 630.053.

104 9. Any administrator who fails to remit to the division of alcohol and drug abuse
105 of the department of mental health the supplemental fees and interest for all persons
106 enrolled in the program under this section shall be subject to a penalty equal to the amount
107 of interest accrued on the supplemental fees due to the division under this section. If the
108 supplemental fees, interest, and penalties are not remitted to the division of alcohol and
109 drug abuse of the department of mental health within six months of the due date, the
110 attorney general of the state of Missouri shall initiate appropriate action for the collection
111 of said fees and accrued interest. The court shall assess attorneys' fees and court costs
112 against any delinquent program.

113 **10. Any person who has had a license to operate a motor vehicle revoked more than**
114 **once for violation of the provisions of this section shall be required to file proof with the**
115 **director of revenue that any motor vehicle operated by the person is equipped with a**
116 **functioning, certified ignition interlock device as a required condition of license**
117 **reinstatement. Such ignition interlock device shall further be required to be maintained**
118 **on all motor vehicles operated by the person for a period of not less than six months**
119 **immediately following the date of reinstatement. If the person fails to maintain such proof**
120 **with the director as required by this section, the license shall be rerevoked.**

121 **11. The revocation period of any person whose license and driving privilege has**
122 **been revoked under this section and who has filed proof of financial responsibility with the**
123 **department of revenue in accordance with chapter 303 and is otherwise eligible, shall be**
124 **terminated by a notice from the director of revenue after one year from the effective date**
125 **of the revocation. Unless proof of financial responsibility is filed with the department of**
126 **revenue, the revocation shall remain in effect for a period of two years from its effective**
127 **date. If the person fails to maintain proof of financial responsibility in accordance with**
128 **chapter 303, the person's license and driving privilege shall be rerevoked.**

129 **12. A person commits the offense of failure to maintain proof with the Missouri**
130 **department of revenue if, when required to do so, he or she fails to file proof with the**
131 **director of revenue that any vehicle operated by the person is equipped with a functioning,**
132 **certified ignition interlock device or fails to file proof of financial responsibility with the**
133 **department of revenue in accordance with chapter 303. The offense of failure to maintain**
134 **of proof with the Missouri department of revenue is a class A misdemeanor.**

[577.049.] **302.580.** 1. Upon a plea of guilty or a finding of guilty for an offense of
2 violating the provisions of section 577.010 or 577.012 or violations of county or municipal
3 ordinances involving alcohol- or drug-related traffic offenses, the court shall order the person to
4 participate in and successfully complete a substance abuse traffic offender program defined in
5 section 577.001.

6 2. The fees for the substance abuse traffic offender program, or a portion thereof, to be
7 determined by the division of alcohol and drug abuse of the department of mental health, shall
8 be paid by the person enrolling in the program. Any person who is enrolled in the program shall
9 pay, in addition to any fee charged for the program, a supplemental fee to be determined by the
10 department of mental health for the purposes of funding the substance abuse traffic offender
11 program defined in section 302.010 [and section 577.001]. The administrator of the program
12 shall remit to the division of alcohol and drug abuse of the department of mental health on or
13 before the fifteenth day of each month the supplemental fees for all persons enrolled in the
14 program, less two percent for administrative costs. Interest shall be charged on any unpaid

15 balance of the supplemental fees due **to** the division of alcohol and drug abuse pursuant to this
16 section and shall accrue at a rate not to exceed the annual rates established pursuant to the
17 provisions of section 32.065, plus three percentage points. The supplemental fees and any
18 interest received by the department of mental health pursuant to this section shall be deposited
19 in the mental health earnings fund, which is created in section 630.053.

20 3. Any administrator who fails to remit to the division of alcohol and drug abuse of the
21 department of mental health the supplemental fees and interest for all persons enrolled in the
22 program pursuant to this section shall be subject to a penalty equal to the amount of interest
23 accrued on the supplemental fees due **to** the division pursuant to this section. If the supplemental
24 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the
25 department of mental health within six months of the due date, the attorney general of the state
26 of Missouri shall initiate appropriate action of the collection of said fees and **accrued** interest
27 [accrued]. The court shall assess attorney fees and court costs against any delinquent program.

[577.052.] **302.584.** Any rule or portion of a rule promulgated pursuant to this act shall
2 become effective only as provided pursuant to chapter 536 including, but not limited to, section
3 536.028, if applicable, after August 28, 1997. All rulemaking authority delegated prior to August
4 28, 1997, is of no force and effect and repealed. The provisions of this section are nonseverable
5 and if any of the powers vested with the general assembly pursuant to section 536.028, if
6 applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of
7 a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any
8 rule so proposed and contained in the order of rulemaking shall be invalid and void.

[577.051.] **302.592.** 1. A record of the disposition in any court proceeding involving [a
2 violation of any of the provisions of sections 577.005 to 577.023, or violation of county or
3 municipal ordinances involving alcohol- or drug-related driving offenses] **any criminal offense,**
4 **infraction, or ordinance violation related to the operation of a vehicle while intoxicated or**
5 **with an excessive blood alcohol content** shall be forwarded to the department of revenue,
6 within seven days by the clerk of the court in which the proceeding was held. The records shall
7 be forwarded by the department of revenue, within fifteen days of receipt, to the Missouri state
8 highway patrol and shall be entered by the highway patrol in the Missouri uniform law
9 enforcement system records. Dispositions that shall be reported are **guilty** pleas [of guilty],
10 findings of [guilty] **guilt**, suspended imposition of sentence, suspended execution of sentence,
11 probation, conditional sentences, sentences of confinement, and any other such dispositions that
12 may be required under state or federal regulations. The record forwarded by the clerk shall
13 clearly [show] **state the name of** the court, the court case number, the name, address, and motor
14 vehicle operator's or chauffeur's license number of the person who is the subject of the

15 proceeding, the code or number identifying the particular arrest, and any court action or
16 requirements pertaining thereto.

17 2. All records received by the Missouri state highway patrol or the department of revenue
18 under the provisions of this section shall be entered in the Missouri uniform law enforcement
19 system records and maintained by the Missouri state highway patrol. Records placed in the
20 Missouri uniform law enforcement system under the provisions of this section shall be made
21 available to any law enforcement officer in this state, any prosecuting or circuit attorney in this
22 state, or to any judge of a municipal or state court upon request.

23 3. [Any] A person **commits the offense of refusal to furnish records of disposition**
24 **if he or she is** required [by this section] to furnish records to the Missouri state highway patrol
25 or department of revenue [who willfully] **under this section and purposely** refuses to furnish
26 such records [is guilty of] . **The offense of refusal to furnish records of disposition is** a class
27 [C] **D** misdemeanor.

28 [4. Records required to be filed with the Missouri state highway patrol or the department
29 of revenue under the provisions of sections 302.225 and 577.001 to 577.051 shall be filed
30 beginning July 1, 1983, and no penalties for nonfiling of records shall be applied prior to July
31 1, 1983.

32 5. Forms and procedures for filing of records with the Missouri state highway patrol or
33 department of revenue as required in this chapter shall be promulgated by the director of the
34 department of public safety or department of revenue, as applicable, and approved by the
35 Missouri supreme court.

36 6. All record-keeping procedures required under the provisions of sections 577.005 to
37 577.023 shall be in accordance with this section, chapter 610 to the contrary notwithstanding.]

38 302.605. 1. As used in the compact contained in section 302.600, the term "executive
2 head" shall mean the governor of this state.

3 2. As used in the compact contained in section 302.600, the term "licensing authority"
4 shall mean the department of revenue of this state. The director of revenue shall furnish to the
5 appropriate authorities of any other party state any information or documents reasonably
6 necessary to facilitate the administration of Articles III, IV and V of the compact contained in
7 section 302.600.

8 3. The director of the department of revenue, as compact administrator provided for in
9 Article VII of the compact contained in section 302.600, shall not be entitled to any additional
10 compensation on account of his **or her** service as such administrator. However, he **or she** shall
11 be entitled to expenses incurred in connection with his **or her** duties and responsibilities as such
12 administrator, in the same manner as for expenses incurred in connection with any other duties
13 or responsibilities of his office or employment.

14 4. Any court or other agency of this state, or any subdivision thereof, which has
15 jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive or
16 operate a motor vehicle, shall report any such action and the adjudication upon which it is based
17 to the director of the department of revenue in the manner and within the time prescribed by the
18 director of the department by rule.

19 5. Article IV of the compact contained in section 302.600 shall apply to those offenses
20 for which a license to drive or operate a motor vehicle may be suspended or revoked under the
21 laws of this state, and any suspension or revocation therefor shall be governed by the provisions
22 of law applicable to such suspension or revocation.

 302.705. 1. No person who drives a commercial motor vehicle shall have more than one
2 driver's license.

3 2. No person is eligible for a commercial driver's license who is under eighteen years of
4 age, except any person transporting a hazardous material must be at least twenty-one years of
5 age.

6 3. Any driver of a commercial motor vehicle holding a commercial driver's license
7 issued by this state, and who is convicted of violating any state law or county or municipal
8 ordinance regulating the operation of motor vehicles in any other state, other than parking
9 violations, shall notify the director in writing on a form prescribed by the director within thirty
10 days of the date of conviction. Upon notification of such conviction the director may apply the
11 conviction information to the driver's record. If such conviction would result in disqualification
12 of the license under sections 302.700 to 302.780, the director shall disqualify the license in
13 accordance with sections 302.700 to 302.780.

14 4. Any driver of a commercial motor vehicle holding a commercial driver's license
15 issued by this state, and who is convicted of violating any state law or county or municipal
16 ordinance regulating the operation of motor vehicles in this or any other state, other than parking
17 violations, shall notify his **or her** employer in writing of the conviction within thirty days of the
18 date of conviction.

 302.710. A driver whose commercial driver's license is suspended, revoked, or canceled
2 by any state, or who loses the privilege to drive a commercial motor vehicle in any state for any
3 period, including being disqualified from driving a commercial motor vehicle, or who is subject
4 to an out of service order, shall notify his **or her** employer of that fact before the end of the
5 business day following the day the driver received notice of that fact.

 302.727. 1. A person commits the [crime] **offense** of driving a commercial motor
2 vehicle while revoked if such person operates a commercial motor vehicle when, as a result of
3 prior violations committed operating a commercial motor vehicle, the driver's commercial driver

4 license is revoked, suspended, or canceled, or the driver is disqualified from operating a
5 commercial motor vehicle.

6 2. Any person convicted of driving a commercial motor vehicle while revoked is guilty
7 of a class A misdemeanor. Any person with no prior alcohol-related enforcement contacts as
8 defined in section 302.525, convicted a fourth or subsequent time of driving a commercial motor
9 vehicle while revoked or a county or municipal ordinance of driving a commercial motor vehicle
10 while suspended or revoked where the judge in such case was an attorney and the defendant was
11 represented by or waived the right to an attorney in writing, and where the prior three driving a
12 commercial motor vehicle while revoked offenses occurred within ten years of the date of
13 occurrence of the present offense and where the person received and served a sentence of ten
14 days or more on such previous offenses; and any person with a prior alcohol-related enforcement
15 contact as defined in section 302.525, convicted a third or subsequent time of driving a
16 commercial motor vehicle while revoked or a county or municipal ordinance of driving a
17 commercial motor vehicle while suspended or revoked where the judge in such case was an
18 attorney and the defendant was represented by or waived the right to an attorney in writing, and
19 where the prior two driving a commercial motor vehicle while revoked offenses occurred within
20 ten years of the date of occurrence of the present offense and where the person received and
21 served a sentence of ten days or more on such previous offenses is guilty of a class [D] E felony.
22 No court shall suspend the imposition of sentence as to such a person nor sentence such person
23 to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or
24 probation until he or she has served a minimum of forty-eight consecutive hours of
25 imprisonment, unless as a condition of such parole or probation, such person performs at least
26 ten days involving at least forty hours of community service under the supervision of the court
27 in those jurisdictions which have a recognized program for community service. Driving a
28 commercial motor vehicle while revoked is a class [D] E felony on the second or subsequent
29 conviction pursuant to section 577.010 or a fourth or subsequent conviction for any other
30 offense.

302.745. 1. All chemical tests required herein for the enforcement of sections 302.700
2 to 302.780 shall be conducted using the same procedures, methods, waivers of liability, persons
3 and facilities as those described in chapter 577 except as provided in sections 302.700 to
4 302.780. Nothing contained in chapter 577 shall be construed to require a person to be placed
5 under arrest prior to his **or her** being requested to submit to a chemical test under this section.

6 2. A person who drives a commercial motor vehicle within this state is deemed to have
7 given consent, subject to the provisions of this section, to a chemical test or tests of his **or her**
8 breath, blood, saliva or urine for the purpose of determining his alcohol concentration, or the
9 presence of controlled substances in his **or her** system.

10 3. A test or tests may be administered for the purposes of enforcing sections 302.700 to
11 302.780, at the direction of a law enforcement officer, who has reason to believe that the driver
12 was driving a commercial motor vehicle while having any amount of alcohol or controlled
13 substances in his **or her** system.

14 4. The implied consent to submit to the chemical tests listed in subsection 2 of this
15 section shall be limited to not more than two such tests arising from the same arrest, stop,
16 incident, or charge.

17 5. Upon the request of a person who is tested, full information concerning the test shall
18 be made available to him **or her**.

19 6. Upon the trial of any person for violation of this section or upon the trial of any
20 criminal action or violations of county or municipal ordinances arising out of acts alleged to have
21 been committed by any person while driving a commercial motor vehicle under the influence of
22 alcohol or controlled substances, the amount of alcohol or controlled substance in the person's
23 blood at the time of the act alleged as shown by chemical analysis of the person's blood, breath,
24 saliva or urine is admissible in evidence and the provisions of subdivision (5) of section 491.060
25 shall not prevent the admissibility or introduction of such evidence, if otherwise admissible.
26 Nothing contained in this section shall be construed as limiting the introduction of any other
27 competent evidence bearing upon the question whether the person was operating a commercial
28 motor vehicle while under the influence of alcohol or controlled substances.

 302.750. 1. If a person refuses, upon the request of a law enforcement officer pursuant
2 to section 302.745, to submit to any test allowed under that section, evidence of the refusal shall
3 be admissible in any proceeding to determine whether a person was operating a commercial
4 motor vehicle while under the influence of alcohol or controlled substances. In this event, the
5 officer shall make a sworn report to the director that he **or she** requested a test pursuant to
6 section 302.745 and that the person refused to submit to such testing.

7 2. A person requested to submit to a test as provided by section 302.745 shall be warned
8 by the law enforcement officer requesting the test that a refusal to submit to the test will result
9 in that person being immediately placed out of service for a period of twenty-four hours and
10 being disqualified from operating a commercial motor vehicle for a period of not less than one
11 year if for a first refusal to submit to the test and for life if for a second or subsequent refusal to
12 submit to the test. The director may issue rules and regulations, in accordance with guidelines
13 established by the secretary, under which a disqualification for life under this section may be
14 reduced to a period of not less than ten years.

15 3. Upon receipt of the sworn report of a law enforcement officer submitted under
16 subsection 1 of this section, the director shall disqualify the driver from operating a commercial
17 motor vehicle.

18 4. If a person has been disqualified from operating a commercial motor vehicle because
19 of his refusal to submit to a chemical test, he **or she** may request a hearing before a court of
20 record in the county in which the request was made. Upon his **or her** request, the clerk of the
21 court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the
22 hearing on behalf of the officer. At the hearing the judge shall determine only:

23 (1) Whether or not the law enforcement officer had reasonable grounds to believe that
24 the person was driving a commercial motor vehicle with any amount of alcohol in his **or her**
25 system;

26 (2) Whether or not the person refused to submit to the test.

27 5. If the judge determines any issues not to be in the affirmative, he **or she** shall order
28 the director to reinstate the privilege to operate a commercial motor vehicle.

29 6. Requests for review as herein provided shall go to the head of the docket of the court
30 wherein filed.

 302.755. 1. A person is disqualified from driving a commercial motor vehicle for a
2 period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled substance, or
4 of an alcohol-related enforcement contact as defined in subsection 3 of section 302.525;

5 (2) Driving a commercial motor vehicle which causes a fatality through the negligent
6 operation of the commercial motor vehicle, including but not limited to the **[crimes] offenses** of
7 vehicular manslaughter, homicide by motor vehicle, and negligent homicide;

8 (3) Driving a commercial motor vehicle while revoked pursuant to section 302.727;

9 (4) Leaving the scene of an accident involving a commercial or noncommercial motor
10 vehicle operated by the person;

11 (5) Using a commercial or noncommercial motor vehicle in the commission of any
12 felony, as defined in section 302.700, except a felony as provided in subsection 4 of this section.

13 2. If any of the violations described in subsection 1 of this section occur while
14 transporting a hazardous material the person is disqualified for a period of not less than three
15 years.

16 3. Any person is disqualified from operating a commercial motor vehicle for life if
17 convicted of two or more violations of any of the offenses specified in subsection 1 of this
18 section, or any combination of those offenses, arising from two or more separate incidents. The
19 director may issue rules and regulations, in accordance with guidelines established by the
20 secretary, under which a disqualification for life under this section may be reduced to a period
21 of not less than ten years.

22 4. Any person is disqualified from driving a commercial motor vehicle for life who uses
23 a commercial or noncommercial motor vehicle in the commission of any felony involving the

24 manufacture, distribution, or dispensing of a controlled substance, or possession with intent to
25 manufacture, distribute, or dispense a controlled substance.

26 5. Any person is disqualified from operating a commercial motor vehicle for a period
27 of not less than sixty days if convicted of two serious traffic violations or one hundred twenty
28 days if convicted of three serious traffic violations, arising from separate incidents occurring
29 within a three-year period.

30 6. Any person found to be operating a commercial motor vehicle while having any
31 measurable alcohol concentration shall immediately be issued a continuous twenty-four-hour
32 out-of-service order by a law enforcement officer in this state.

33 7. Any person who is convicted of operating a commercial motor vehicle beginning at
34 the time of issuance of the out-of-service order until its expiration is guilty of a class A
35 misdemeanor.

36 8. Any person convicted for the first time of driving while out of service shall be
37 disqualified from driving a commercial motor vehicle in the manner prescribed in 49 CFR Part
38 383, or as amended by the Secretary.

39 9. Any person convicted of driving while out of service on a second occasion during any
40 ten-year period, involving separate incidents, shall be disqualified in the manner prescribed in
41 49 CFR Part 383, or as amended by the Secretary.

42 10. Any person convicted of driving while out of service on a third or subsequent
43 occasion during any ten-year period, involving separate incidents, shall be disqualified for a
44 period of three years.

45 11. Any person convicted of a first violation of an out-of-service order while transporting
46 hazardous materials or while operating a motor vehicle designed to transport sixteen or more
47 passengers, including the driver, is disqualified for a period of one hundred eighty days.

48 12. Any person convicted of any subsequent violation of an out-of-service order in a
49 separate incident within ten years after a previous violation, while transporting hazardous
50 materials or while operating a motor vehicle designed to transport fifteen passengers, including
51 the driver, is disqualified for a period of three years.

52 13. Any person convicted of any other offense as specified by regulations promulgated
53 by the Secretary of Transportation shall be disqualified in accordance with such regulations.

54 14. After suspending, revoking, canceling or disqualifying a driver, the director shall
55 update records to reflect such action and notify a nonresident's licensing authority and the
56 commercial driver's license information system within ten days in the manner prescribed in 49
57 CFR Part 384, or as amended by the Secretary.

58 15. Any person disqualified from operating a commercial motor vehicle pursuant to
59 subsection 1, 2, 3, or 4 of this section shall have such commercial driver's license canceled, and

60 upon conclusion of the period of disqualification shall take the written and driving tests and meet
61 all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation
62 shall not be withdrawn by the director until such person reapplies for a commercial driver's
63 license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

64 16. The director shall disqualify a driver upon receipt of notification that the Secretary
65 has determined a driver to be an imminent hazard pursuant to 49 CFR, Part 383.52. Due process
66 of a disqualification determined by the Secretary pursuant to this section shall be held in
67 accordance with regulations promulgated by the Secretary. The period of disqualification
68 determined by the Secretary pursuant to this section shall be served concurrently to any other
69 period of disqualification which may be imposed by the director pursuant to this section. Both
70 disqualifications shall appear on the driving record of the driver.

71 17. The director shall disqualify a commercial license holder or operator of a commercial
72 vehicle from operation of any commercial motor vehicle upon receipt of a conviction for an
73 offense of failure to appear or pay, and such disqualification shall remain in effect until the
74 director receives notice that the person has complied with the requirement to appear or pay.

302.780. 1. It shall be unlawful for a person to:

2 (1) Drive a commercial motor vehicle in a willful or wanton disregard for the safety of
3 persons or property; **or**

4 (2) [Drive a commercial motor vehicle while having an alcohol concentration of four
5 one-hundredths of a percent or more as prescribed by the secretary or such other alcohol
6 concentration as may be later determined by the secretary by regulation; or

7 (3)] Drive a commercial motor vehicle while under the influence of any substance so
8 classified under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), including
9 any substance listed in schedules I through V of 21 CFR part 1308, as they may be revised from
10 time to time.

11 2. Except as otherwise provided for in sections 302.700 to 302.780, whenever the doing
12 of anything is required or is prohibited or is declared to be unlawful, any person who shall be
13 convicted of a violation thereof shall be guilty of a class B misdemeanor.

303.024. 1. Each insurer issuing motor vehicle liability policies in this state, or an agent
2 of the insurer, shall furnish an insurance identification card to the named insured for each motor
3 vehicle insured by a motor vehicle liability policy that complies with the requirements of sections
4 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370.

5 2. The insurance identification card shall include all of the following information:

6 (1) The name and address of the insurer;

7 (2) The name of the named insured;

8 (3) The policy number;

9 (4) The effective dates of the policy, including month, day and year;

10 (5) A description of the insured motor vehicle, including year and make or at least five
11 digits of the vehicle identification number or the word Fleet if the insurance policy covers five
12 or more motor vehicles; and

13 (6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED MOTOR
14 VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

15 3. A new insurance identification card shall be issued when the insured motor vehicle
16 is changed, when an additional motor vehicle is insured, and when a new policy number is
17 assigned. A replacement insurance identification card shall be issued at the request of the
18 insured in the event of loss of the original insurance identification card.

19 4. The director shall furnish each self-insurer, as provided for in section 303.220, an
20 insurance identification card for each motor vehicle so insured. The insurance identification card
21 shall include all of the following information:

22 (1) Name of the self-insurer;

23 (2) The word self-insured; and

24 (3) The statement "THIS CARD MUST BE CARRIED IN THE SELF-INSURED
25 MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the
26 card.

27 5. An insurance identification card shall be carried in the insured motor vehicle at all
28 times. The operator of an insured motor vehicle shall exhibit the insurance identification card
29 on the demand of any peace officer, commercial vehicle enforcement officer or commercial
30 vehicle inspector who lawfully stops such operator or investigates an accident while that officer
31 or inspector is engaged in the performance of the officer's or inspector's duties. If the operator
32 fails to exhibit an insurance identification card, the officer or inspector shall issue a citation to
33 the operator for a violation of section 303.025. A motor vehicle liability insurance policy, a
34 motor vehicle liability insurance binder, or receipt which contains the policy information
35 required in subsection 2 of this section, shall be satisfactory evidence of insurance in lieu of an
36 insurance identification card.

37 6. Any person who knowingly or intentionally produces, manufactures, sells, or
38 otherwise distributes a fraudulent document intended to serve as an insurance identification card
39 is guilty of a class [D] E felony. Any person who knowingly or intentionally possesses a
40 fraudulent document intended to serve as an insurance identification card is guilty of a class B
41 misdemeanor.

303.025. 1. No owner of a motor vehicle registered in this state, or required to be
2 registered in this state, shall operate, register or maintain registration of a motor vehicle, or
3 permit another person to operate such vehicle, unless the owner maintains the financial

4 responsibility which conforms to the requirements of the laws of this state. No nonresident shall
5 operate or permit another person to operate in this state a motor vehicle registered to such
6 nonresident unless the nonresident maintains the financial responsibility which conforms to the
7 requirements of the laws of the nonresident's state of residence. Furthermore, no person shall
8 operate a motor vehicle owned by another with the knowledge that the owner has not maintained
9 financial responsibility unless such person has financial responsibility which covers the person's
10 operation of the other's vehicle; however, no owner or nonresident shall be in violation of this
11 subsection if he or she fails to maintain financial responsibility on a motor vehicle which is
12 inoperable or being stored and not in operation. The director may prescribe rules and regulations
13 for the implementation of this section.

14 2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner
15 provided for in section 303.160, or with a motor vehicle liability policy which conforms to the
16 requirements of the laws of this state. A nonresident motor vehicle owner shall maintain the
17 owner's financial responsibility which conforms to the requirements of the laws of the
18 nonresident's state of residence.

19 3. Any person who violates this section is guilty of a misdemeanor. A first violation of
20 this section shall be punishable [by a fine not to exceed three hundred dollars] **as a class D**
21 **misdemeanor**. A second or subsequent violation of this section shall be punishable by
22 imprisonment in the county jail for a term not to exceed fifteen days and/or a fine not to exceed
23 [three] **five** hundred dollars. Prior pleas of guilty and prior findings of guilty shall be pleaded
24 and proven in the same manner as required by section 558.021. However, no person shall be
25 found guilty of violating this section if the operator demonstrates to the court that he or she met
26 the financial responsibility requirements of this section at the time the peace officer, commercial
27 vehicle enforcement officer or commercial vehicle inspector wrote the citation. In addition to
28 any other authorized punishment, the court shall notify the director of revenue of any person
29 convicted pursuant to this section and shall do one of the following:

30 (1) Enter an order suspending the driving privilege as of the date of the court order. If
31 the court orders the suspension of the driving privilege, the court shall require the defendant to
32 surrender to it any driver's license then held by such person. The length of the suspension shall
33 be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of
34 revenue the order of suspension of driving privilege and any license surrendered within ten days;

35 (2) Forward the record of the conviction for an assessment of four points;

36 (3) In lieu of an assessment of points, render an order of supervision as provided in
37 section 302.303. An order of supervision shall not be used in lieu of points more than one time
38 in any thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this
39 section shall forward a record of conviction to the Missouri state highway patrol, or at the written

40 direction of the Missouri state highway patrol, to the department of revenue, in a manner
41 approved by the director of the department of public safety. The director shall establish
42 procedures for the record keeping and administration of this section; or

43 (4) For a nonresident, suspend the nonresident's driving privileges in this state in
44 accordance with section 303.030 and notify the official in charge of the issuance of licenses and
45 registration certificates in the state in which such nonresident resides in accordance with section
46 303.080.

47 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330
48 and 303.370 shall be construed as prohibiting the department of insurance, financial institutions
49 and professional registration from approving or authorizing those exclusions and limitations
50 which are contained in automobile liability insurance policies and the uninsured motorist
51 provisions of automobile liability insurance policies.

52 5. If a court enters an order of suspension, the offender may appeal such order directly
53 pursuant to chapter 512 and the provisions of section 302.311 shall not apply.

304.070. 1. Any person who violates any of the provisions of subsections 1, 3, and 6 of
2 section 304.050 is guilty of a class A misdemeanor. In addition, [beginning July 1, 2005,] the
3 court may suspend the driver's license of any person who violates the provision of subsection 1
4 of section 304.050. If ordered by the court, the director shall suspend the driver's license for
5 ninety days for a first offense of subsection 1 of section 304.050, and one hundred twenty days
6 for a second or subsequent offense of subsection 1 of section 304.050. Any person who violates
7 subsection 1 of section 304.050 where such violation results in the injury of any child shall be
8 guilty of a class [D] E felony. Any person who violates subsection 1 of section 304.050 where
9 such violation causes the death of any child shall be guilty of a class [C] D felony.

10 2. Any appeal of a suspension imposed under subsection 1 of this section shall be a
11 direct appeal of the court order and subject to review by the presiding judge of the circuit court
12 or another judge within the circuit other than the judge who issued the original order to suspend
13 the driver's license. The director of revenue's entry of the court-ordered suspension on the
14 driving record is not a decision subject to review pursuant to section 302.311. Any suspension
15 of the driver's license ordered by the court under this section shall be in addition to any other
16 suspension that may occur as a result of the conviction pursuant to other provisions of law.

[577.217.] **305.125.** If a person refuses upon the request of the officer to submit to a
2 chemical test **under section 577.041**, then no test shall be given. Any refusal to submit to a test
3 shall be an infraction which may be punished by a fine of up to one thousand dollars. The officer
4 shall inform the person that his or her failure to submit to the test may result in a fine and
5 administrative penalties by the Federal Aviation Administration.

[577.221.] **305.126.** [All positive test results and test refusals] **Whenever a person**
2 **operating an aircraft or acting as a flight crew member of any aircraft has a positive**
3 **chemical test under chapter 577 or refuses a chemical test under section 577.041, the test**
4 **result and refusal** shall be reported by law enforcement agencies to the Federal Aviation
5 Administration. If a person pleads guilty to or is found guilty of a violation of sections [577.201
6 and 577.203] **577.015 and 577.016**, a report of the conviction shall be forwarded by the court
7 in which the conviction occurred to the Federal Aviation Administration.

306.110. 1. No person shall [operate any motorboat or watercraft, or] manipulate any
2 water skis, surfboard or other waterborne device in a reckless or negligent manner so as to
3 endanger the life or property of any person.

4 2. No person shall [operate any motorboat or watercraft, or] manipulate any water skis,
5 surfboard or other waterborne device while intoxicated or under the influence of any narcotic
6 drug, barbiturate or marijuana.

306.111. [1.] A person commits the crime of negligent operation of a vessel if when
2 operating a vessel he or she acts with criminal negligence, as defined in subsection 5 of section
3 562.016, to cause physical injury to any other person or damage to the property of any other
4 person. A person convicted of negligent operation of a vessel is guilty of a class B misdemeanor
5 upon conviction for the first violation, guilty of a class A misdemeanor upon conviction for the
6 second violation, and guilty of a class [D] E felony for conviction for the third and subsequent
7 violations.

8 [2. A person commits the crime of operating a vessel while intoxicated if he or she
9 operates a vessel on the Mississippi River, Missouri River or the lakes of this state while in an
10 intoxicated condition. Operating a vessel while intoxicated is a class B misdemeanor.

11 3. A person commits the crime of involuntary manslaughter with a vessel if, while in an
12 intoxicated condition, he or she operates any vessel and, when so operating, acts with criminal
13 negligence to cause the death of any person. Involuntary manslaughter with a vessel is a class
14 C felony.

15 4. A person commits the crime of assault with a vessel in the second degree if, while in
16 an intoxicated condition, he or she operates any vessel and, when so operating, acts with criminal
17 negligence to cause physical injury to any other person. Assault with a vessel in the second
18 degree is a class D felony.

19 5. For purposes of this section, a person is in an intoxicated condition when he or she
20 is under the influence of alcohol, a controlled substance or drug, or any combination thereof.]

306.420. 1. Upon the satisfaction of a lien or encumbrance on an outboard motor,
2 motorboat, vessel, or watercraft, the lienholder shall within ten days execute a release of his or
3 her lien or encumbrance, on the certificate or separate document, and mail or deliver the

4 certificate or separate document to the owner or any person who delivers to the lienholder an
5 authorization from the owner to receive the documentation. The release on the certificate or
6 separate document shall be notarized. Each perfected subordinate lienholder, if any, shall release
7 such lien or encumbrance as provided in this section for the first lienholder. The owner may
8 cause the certificate of title, the release, and the required fee to be mailed or delivered to the
9 director of revenue, who shall release the lienholder's rights on the certificate and issue a new
10 certificate of title.

11 2. If the electronic certificate of title is in the possession of the director of revenue, the
12 lienholder shall notify the director within ten business days of any release of lien and provide the
13 director with the most current address of the owner. The director shall note such release on the
14 electronic certificate and if no other lien exists, the director shall mail or deliver the certificate
15 free of any lien to the owner.

16 3. Any person who knowingly and intentionally sends in a separate document releasing
17 a lien of another without authority to do so shall be guilty of a class [C] **D** felony.

**311.315. 1. A person commits the offense of manufacturing a false identification
2 if he or she possesses any means of identification for the purpose of manufacturing and
3 providing or selling a false identification card to a person under the age of twenty-one for
4 the purpose of purchasing or obtaining alcohol.**

5 2. The offense of manufacturing a false identification is a class A misdemeanor.

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts
2 to purchase, or has in his or her possession, any intoxicating liquor as defined in section 311.020
3 or who is visibly in an intoxicated condition as defined in section 577.001, or has a detectable
4 blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol
5 in such person's blood is guilty of a misdemeanor. A first violation of this section shall be
6 punishable [by a fine not to exceed three hundred dollars] **as a class D misdemeanor**. A second
7 or subsequent violation of this section shall be punishable [by imprisonment in the county jail
8 for a term not to exceed one year and/or a fine not to exceed one thousand dollars] **as a class A**
9 **misdemeanor**. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in
10 the same manner as required by section 558.021. For purposes of prosecution under this section
11 or any other provision of this chapter involving an alleged illegal sale or transfer of intoxicating
12 liquor to a person under twenty-one years of age, a manufacturer-sealed container describing that
13 there is intoxicating liquor therein need not be opened or the contents therein tested to verify that
14 there is intoxicating liquor in such container. The alleged violator may allege that there was not
15 intoxicating liquor in such container, but the burden of proof of such allegation is on such
16 person, as it shall be presumed that such a sealed container describing that there is intoxicating
17 liquor therein contains intoxicating liquor.

18 2. For purposes of determining violations of any provision of this chapter, or of any rule
19 or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container
20 describing that there is intoxicating liquor therein need not be opened or the contents therein
21 tested to verify that there is intoxicating liquor in such container. The alleged violator may allege
22 that there was not intoxicating liquor in such container, but the burden of proof of such allegation
23 is on such person, as it shall be presumed that such a sealed container describing that there is
24 intoxicating liquor therein contains intoxicating liquor.

25 3. Any person under the age of twenty-one years who purchases or attempts to purchase,
26 or has in his or her possession, any intoxicating liquor, or who is visibly in an intoxicated
27 condition as defined in section 577.001, shall be deemed to have given consent to a chemical test
28 or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol
29 or drug content of the person's blood. The implied consent to submit to the chemical tests listed
30 in this subsection shall be limited to not more than two such tests arising from the same arrest,
31 incident, or charge. Chemical analysis of the person's breath, blood, saliva, or urine shall be
32 performed according to methods approved by the state department of health and senior services
33 by licensed medical personnel or by a person possessing a valid permit issued by the state
34 department of health and senior services for this purpose. The state department of health and
35 senior services shall approve satisfactory techniques, devices, equipment, or methods to be
36 considered valid and shall establish standards to ascertain the qualifications and competence of
37 individuals to conduct analyses and to issue permits which shall be subject to termination or
38 revocation by the state department of health and senior services. The person tested may have a
39 physician, or a qualified technician, chemist, registered nurse, or other qualified person at the
40 choosing and expense of the person to be tested, administer a test in addition to any administered
41 at the direction of a law enforcement officer. The failure or inability to obtain an additional test
42 by a person shall not preclude the admission of evidence relating to the test taken at the direction
43 of a law enforcement officer. Upon the request of the person who is tested, full information
44 concerning the test shall be made available to such person. Full information is limited to the
45 following:

- 46 (1) The type of test administered and the procedures followed;
- 47 (2) The time of the collection of the blood or breath sample or urine analyzed;
- 48 (3) The numerical results of the test indicating the alcohol content of the blood and
49 breath and urine;
- 50 (4) The type and status of any permit which was held by the person who performed the
51 test;
- 52 (5) If the test was administered by means of a breath-testing instrument, the date of
53 performance of the most recent required maintenance of such instrument. Full information does

54 not include manuals, schematics, or software of the instrument used to test the person or any
55 other material that is not in the actual possession of the state. Additionally, full information does
56 not include information in the possession of the manufacturer of the test instrument.

57 4. The provisions of this section shall not apply to a student who:

58 (1) Is eighteen years of age or older;

59 (2) Is enrolled in an accredited college or university and is a student in a culinary course;

60 (3) Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other
61 similar malt or fermented beverage as part of the required curriculum; and

62 (4) Tastes a beverage under subdivision (3) of this subsection only for instructional
63 purposes during classes that are part of the curriculum of the accredited college or university.
64 The beverage must at all times remain in the possession and control of an authorized instructor
65 of the college or university, who must be twenty-one years of age or older. Nothing in this
66 subsection may be construed to allow a student under the age of twenty-one to receive any beer,
67 ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered
68 as part of the student's required curriculum and the beverage is used only for instructional
69 purposes during classes conducted as part of the curriculum.

313.004. 1. There is hereby created the "Missouri Gaming Commission" consisting of
2 five members appointed by the governor, with the advice and consent of the senate. Each
3 member of the Missouri gaming commission shall be a resident of this state. No member shall
4 have pled guilty to or shall have been convicted of a felony or gambling-related offense. Not
5 more than three members shall be affiliated with the same political party. No member of the
6 commission shall be an elected official. The overall membership of the commission shall reflect
7 experience in law enforcement, civil and criminal investigation and financial principles.

8 2. The initial members of the commission shall be appointed within thirty days of April
9 29, 1993. Of the members first appointed, one shall be appointed for a one-year term, two shall
10 be appointed for a two-year term and two shall be appointed for a three-year term. Thereafter,
11 all members appointed shall serve for a three-year term. No person shall serve as a member
12 more than six years. The governor shall designate one of the members as the chair. The
13 governor may remove any member of the commission from office for malfeasance or neglect of
14 duty in office. The governor may also replace any member of the commission, with the advice
15 and consent of the senate, when any responsibility concerning the state lottery, pari-mutuel
16 wagering or any other form of gaming is placed under the jurisdiction of the commission.

17 3. The commission shall meet at least quarterly in accordance with its rules. In addition,
18 special meetings may be called by the chair or any two members of the commission upon
19 twenty-four-hour written notice to each member. No action of the commission shall be binding

20 unless taken at a meeting at which at least three of the five members are present and shall vote
21 in favor thereof.

22 4. The commission shall perform all duties and have all the powers and responsibilities
23 conferred and imposed upon it relating to excursion gambling boats and, after June 30, 1994, the
24 lawful operation of the game of bingo under this chapter. Within the commission, there shall be
25 established a division of gambling and after June 30, 1994, the division of bingo. Subject to
26 appropriations, the commission may hire an executive director and any employees as it may
27 deem necessary to carry out the commission's duties. The commission shall have authority to
28 require investigations of any employee or applicant for employment as deemed necessary and
29 use such information or any other information in the determination of employment. The
30 commission shall promulgate rules and regulations establishing a code of ethics for its employees
31 which shall include, but not be limited to, restrictions on which employees shall be prohibited
32 from participating in or wagering on any game or gaming operation subject to the jurisdiction
33 of the commission. The commission shall determine if any other employees of the commission
34 or any licensee of the commission shall participate or wager in any operation under the
35 jurisdiction of the commission.

36 5. On April 29, 1993, all the authority, powers, duties, functions, records, personnel,
37 property, matters pending and all other pertinent vestiges of the state tourism commission
38 relating to the regulation of excursion gambling boats and, after June 30, 1994, of the department
39 of revenue relating to the regulation of the game of bingo shall be transferred to the Missouri
40 gaming commission.

41 6. The commission shall be assigned to the department of public safety as a type III
42 division, but the director of the department of public safety has no supervision, authority or
43 control over the actions or decisions of the commission.

44 7. Members of the Missouri gaming commission shall receive as compensation, the
45 amount of one hundred dollars for every day in which the commission holds a meeting, when
46 such meeting is subject to the recording of minutes as provided in chapter 610, and shall be
47 reimbursed for reasonable expenses incurred in the performance of their duties. The chair shall
48 receive as additional compensation one hundred dollars for each month such person serves on
49 the commission in that capacity.

50 8. No member or employee of the commission shall be appointed or continue to be a
51 member or employee who is licensed by the commission as an excursion gambling boat operator
52 or supplier and no member or employee of the commission shall be appointed or continue to be
53 a member or employee who is related to any person within the second degree of consanguinity
54 or affinity who is licensed by the commission as an excursion gambling boat operator or supplier.
55 The commission shall determine by rule and regulation appropriate restrictions on the

56 relationship of members and employees of the commission to persons holding or applying for
57 occupational licenses from the commission or to employees of any licensee of the commission.
58 No peace officer, as defined by section 590.100, who is designated to have direct regulator
59 authority related to excursion gambling boats shall be employed by any excursion gambling boat
60 or supplier licensed by the commission while employed as a peace officer. No member or
61 employee of the commission or any employee of the state attorney general's office or the state
62 highway patrol who has direct authority over the regulation or investigation of any applicant or
63 licensee of the commission or any peace officer of any city or county which has approved
64 excursion boat gambling shall accept any gift or gratuity from an applicant or licensee while
65 serving as a member or while under such employment. Any person knowingly in violation of
66 the provisions of this subsection is guilty of a class A misdemeanor. Any such member, officer
67 or employee who personally or whose prohibited relative knowingly violates the provisions of
68 this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and
69 thereupon forfeit his office or employment.

70 9. The commission may enter into agreements with the Federal Bureau of Investigation,
71 the Federal Internal Revenue Service, the state attorney general or any state, federal or local
72 agency the commission deems necessary to carry out the duties of the commission. No state
73 agency shall count employees used in any agreements entered into with the commission against
74 any personnel cap authorized by any statute. Any consideration paid by the commission for the
75 purpose of entering into, or to carry out, any agreement shall be considered an administrative
76 expense of the commission. When such agreements are entered into for responsibilities relating
77 to excursion gambling boats, the commission shall require excursion gambling boat licensees
78 to pay for such services under rules and regulations of the commission. The commission may
79 provide by rules and regulations for the offset of any prize or winnings won by any person
80 making a wager subject to the jurisdiction of the commission, when practical, when such person
81 has an outstanding debt owed the state of Missouri.

82 10. No person who has served as a member or employee of the commission, as a member
83 of the general assembly, as an elected or appointed official of the state or of any city or county
84 of this state in which the licensing of excursion gambling boats has been approved in either the
85 city or county or both or any employee of the state highway patrol designated by the
86 superintendent of the highway patrol or any employee of the state attorney general's office
87 designated by the state attorney general to have direct regulatory authority related to excursion
88 gambling boats shall, while in such office or during such employment and during the first two
89 years after termination of his office or position, obtain direct ownership interest in or be
90 employed by any excursion gambling boat licensed by the commission or which has applied for
91 a license to the commission or enter into a contractual relationship related to direct gaming

activity. A "direct ownership interest" shall be defined as any financial interest, equitable interest, beneficial interest, or ownership control held by the public official or employee, or such person's family member related within the second degree of consanguinity or affinity, in any excursion gambling boat operation or any parent or subsidiary company which owns or operates an excursion gambling boat or as a supplier to any excursion gambling boat which has applied for or been granted a license by the commission, provided that a direct ownership interest shall not include any equity interest purchased at fair market value or equity interest received as consideration for goods and services provided at fair market value of less than one percent of the total outstanding shares of stock of any publicly traded corporation or certificates of partnership of any limited partnership which is listed on a regulated stock exchange or automated quotation system. Any person who knowingly violates the provisions of this subsection is guilty of a class [D] E felony. Any such member, officer or employee who personally and knowingly violates the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and thereupon forfeit his office or employment. For purposes of this subsection, "appointed official" shall mean any official of this state or of any city or county authorized under subsection 10 of section 313.812 appointed to a position which has discretionary powers over the operations of any licensee or applicant for licensure by the commission. This shall only apply if the appointed official has a direct ownership interest in an excursion gambling boat licensed by the commission or which has applied for a license to the commission to be docked within the jurisdiction of his or her appointment. No elected or appointed official, his or her spouse or dependent child shall, while in such office or within two years after termination of his or her office or position, be employed by an applicant for an excursion gambling boat license or an excursion gambling boat licensed by the commission. Any other person related to an elected or appointed official within the second degree of consanguinity or affinity employed by an applicant for an excursion gambling boat license or excursion gambling boat licensed by the commission shall disclose this relationship to the commission. Such disclosure shall be in writing and shall include who is employing such individual, that person's relationship to the elected or appointed official, and a job description for which the person is being employed. The commission may require additional information as it may determine necessary.

11. The commission may enter into contracts with any private entity the commission deems necessary to carry out the duties of the commission, other than criminal law enforcement, provision of legal counsel before the courts and other agencies of this state, and the enforcement of liquor laws. The commission may require provisions for special auditing requirements, investigations and restrictions on the employees of any private entity with which a contract is entered into by the commission.

127 12. Notwithstanding the provisions of chapter 610 to the contrary, all criminal justice
128 records shall be available to any agency or commission responsible for licensing or investigating
129 applicants or licensees applying to any gaming commission of this state.

 313.040. The conducting of bingo is subject to the following restrictions:

2 (1) (a) The entire net receipts over and above the actual cost of conducting the game
3 shall be exclusively devoted to the lawful, charitable, religious or philanthropic purposes of the
4 organization permitted to conduct that game and no receipts shall be used to compensate in any
5 manner any person who works for or is in any way affiliated with the licensed organization. Any
6 person who violates the provisions of this paragraph shall be guilty of a class [D] E felony;

7 (b) Proceeds from the game of bingo may not be loaned to any person, except that this
8 provision shall not prohibit the investment of the proceeds in any licensed banking or savings
9 institution, instrument of the United States, Missouri, or any political subdivision thereof. Any
10 person who violates the provisions of this paragraph shall be guilty of a class C misdemeanor;
11 and

12 (c) The actual cost of conducting the game shall only include the following:

13 a. The cost of the prizes;

14 b. The purchasing of the bingo cards from a licensed supplier;

15 c. The purchasing or leasing of the equipment used in conducting the game;

16 d. The lease rental on the premises in which the game is conducted to include an
17 allocation of utility costs, if applicable, costs of providing security, including the employment
18 of a reasonable number of security personnel at a compensation level which complies with rules
19 and regulations promulgated by the commission and such personnel is actually present and
20 engaged in security duties, and bookkeeping and accounting expenses;

21 e. The actual cost of providing reasonable janitorial services. The cost of such services
22 shall not be above the fair market rate charged for similar services in the community where the
23 bingo game is being conducted;

24 f. Subject to constitutional restrictions, if any, the fair market cost of advertising each
25 bingo occasion. Such advertising shall be procured in accordance with the rules and regulations
26 of the commission;

27 (2) No person shall participate in conducting or managing the game of bingo except a
28 person who has been a bona fide member of the licensed organization for at least two years
29 immediately preceding such participation, who is not a paid staff person of the licensed
30 organization employed and compensated specifically for conducting or managing the game of
31 bingo and who volunteers the time and service necessary to conduct the game. Subject to
32 constitutional restrictions, if any, no person shall participate in the actual operation of the game
33 of bingo under the direction of a person conducting or managing the game of bingo, except a

34 person who has been a bona fide member of the licensed organization for at least one year
35 immediately preceding such participation, who is not a paid staff person of the licensed
36 organization employed and compensated specifically for operating the game of bingo and who
37 volunteers the time and service necessary to operate the game. If any post or organization, by
38 its national charter, has established an auxiliary organization for spouses, then members of the
39 auxiliary organization shall be considered bona fide members of the licensed organization and
40 members of the post or organization shall be considered bona fide members of the auxiliary
41 organization for the purposes of this subdivision. Any person who is a duly ordained member
42 of the clergy and any person who is a full-time employee or staff member of the licensed
43 organization employed for at least two years by that organization in a capacity not directly related
44 to the conducting or managing of the game of bingo, who has specific assigned duties under a
45 definite job description with the licensed organization, and who volunteers time and assistance
46 to the organization without compensation for such time and assistance in the conducting and
47 managing of the game of bingo by the organization shall not be considered a paid staff person
48 for the purposes of this subdivision. No full-time employee or staff member shall volunteer such
49 time and assistance to more than one organization nor more than one day in any week. The
50 commission shall establish guidelines for the determination of whether a person is a paid staff
51 person within the meaning of this subdivision and shall specifically approve any full-time
52 employee or staff member of the organization before such employee or staff member may
53 volunteer time and assistance in the conducting and managing of bingo games for any
54 organization. The commission may suspend the approval of any employee or staff member;

55 (3) No person, firm, partnership or corporation shall receive any remuneration, profit or
56 gift for participating in the management, conduct or operation of the game, including the granting
57 or use of bingo cards without charge or at a reduced charge from the licensed organization or
58 from any other source;

59 (4) The aggregate retail value of all prizes or merchandise awarded, except prizes or
60 merchandise awarded by pull-tab cards and progressive bingo games, in any single day of bingo
61 may not exceed the amount set by the commission per regulation;

62 (5) The number of games may not exceed sixty-two in any one day, including regular and
63 special games. For purposes of this subdivision, the use of a pull-tab card and progressive bingo
64 games shall not count as one of the sixty-two games per day, as limited by this subdivision, but
65 no pull-tab card may be used except in conjunction with one of such sixty-two games;

66 (6) The price paid for a single bingo card under the license may not exceed one dollar.
67 The commission may establish by rule or regulation the number of bingo cards which may be
68 placed on a single bingo sheet. The price for a single pull-tab card may not exceed one dollar.

69 A licensee may not require a player to purchase more than a standard pack in order to participate
70 in the bingo occasion;

71 (7) The number of bingo days conducted by a licensee under the provisions of sections
72 313.005 to 313.080 shall be limited to two days per week;

73 (8) Any person, officer or director of any firm or corporation, and any partner of any
74 partnership renting or leasing to a licensed organization equipment or premises for use in a game
75 shall meet all the qualifications set forth in subdivisions (1) to (5) and (8) of section 313.035 and
76 shall not be a paid staff person of the licensee. Proof of compliance with this subdivision shall
77 be submitted to the commission by the licensee in the manner required by the commission;

78 (9) Subject to constitutional restrictions, if any, an organization licensed to conduct
79 bingo in the state of Missouri may advertise a bingo occasion or special event bingo if
80 expenditures for advertisement do not exceed ten percent of the total amount expended from
81 receipts of bingo conducted by the licensed organization for charitable, religious or philanthropic
82 purposes;

83 (10) No person under the age of sixteen years may play or participate in the conducting
84 of bingo. Any person under the age of sixteen years may be within the area where bingo is being
85 played only when accompanied by his parent or guardian;

86 (11) No licensee shall lease premises in which it conducts bingo games from someone
87 who is not a hall provider licensed by the commission;

88 (12) No licensee shall pay any consulting fees to any person for any service performed
89 in relation to the bingo game;

90 (13) No licensee shall pay concession fees to any person who provides refreshments to
91 the participants in the bingo game;

92 (14) No licensee shall conduct a bingo session at any time during the period between
93 1:00 a.m. and 7:00 a.m.;

94 (15) No licensee, while a bingo game is being conducted, shall knowingly permit entry
95 to any part of the licensed premises to any person of notorious or unsavory reputation or who has
96 an extensive police record or who has been convicted of a felony;

97 (16) No vending machine or any mechanized coin-operated machine may be used to sell
98 pull-tab cards or to pay prize money, merchandise gifts or any other form of a prize;

99 (17) No rented or reusable bingo cards may be used to conduct any game. All games
100 must be conducted with disposable paper bingo cards that are marked by permanent ink as
101 prescribed by the rules and regulations of the commission, or by electronic bingo card monitoring
102 device as approved by the commission;

103 (18) No licensee shall purchase or use any bingo supplies from a person who is not
104 licensed by the state of Missouri as a bingo supplier.

313.290. 1. No person shall sell a ticket or share at a price other than that fixed by rule or regulation of the commission. No person other than a licensed lottery game retailer shall sell lottery tickets or shares, but nothing in this section shall be construed to prevent any person from giving lottery tickets or shares to another as a gift. Any violation of this section is a class A misdemeanor.

2. Any person who falsely or fraudulently makes, forges, alters or counterfeits, or causes or procures to be made, forged, altered or counterfeited, any state lottery ticket, or any part thereof, or who knowingly and willfully utters, publishes, passes or tenders as true, any forged, altered or counterfeited state lottery ticket is guilty of a class [C] **D** felony. Any person who with intent to defraud secures, manufactures, or causes to be secured or manufactured, or has in his possession any counterfeit state lottery ticket or device, is guilty of a class [D] **E** felony.

313.550. 1. The commission may issue subpoenas for the attendance of witnesses or the production of any records, books, memoranda, documents, or other papers or things, to enable any of them to effectually discharge its or his duties, and may administer oaths or affirmations as necessary in connection therewith. In addition, the commission shall have the authority to issue subpoenas under section 536.077 in contested cases.

2. Any person subpoenaed who fails to appear at the time and place specified in answer to the subpoena and to bring any papers or things specified in the subpoena, or who upon such appearance, refuses to testify or produce such records or things, upon conviction, is guilty of a class A misdemeanor.

3. Any person who testifies falsely under oath in any proceeding before, or any investigation by, the commission, its secretary, or the stewards, upon conviction, shall be guilty of a class [D] **E** felony.

313.660. 1. No individual shall for a fee, directly or indirectly, accept anything of value to be wagered or to be transmitted or delivered for wager in any pari-mutuel system of wagering on horse racing or for a fee deliver anything of value which has been received outside of the enclosure of a race track holding a horse race licensed under sections 313.500 to 313.710 to be placed as wagers in the pari-mutuel pool within such enclosure.

2. Any individual violating the provisions of this section shall upon conviction be guilty of a class [C] **D** felony.

313.830. 1. A person is guilty of a class [D] **E** felony for any of the following:

(1) Operating a gambling excursion where wagering is used or to be used without a license issued by the commission;

(2) Operating a gambling excursion where wagering is permitted other than in the manner specified by section 313.817; or

6 (3) Acting, or employing a person to act, as a shill or decoy to encourage participation
7 in a gambling game.

8 2. A person is guilty of a class B misdemeanor for the first offense and a class A
9 misdemeanor for the second and subsequent offenses for any of the following:

10 (1) Permitting a person under the age of twenty-one to make a wager while on an
11 excursion gambling boat;

12 (2) Making or attempting to make a wager while on an excursion gambling boat when
13 such person is under the age of twenty-one years; or

14 (3) Aiding a person who is under the age of twenty-one in entering an excursion
15 gambling boat or in making or attempting to make a wager while on an excursion gambling boat.

16 3. A person wagering or accepting a wager at any location outside the excursion
17 gambling boat is in violation of section 572.040.

18 4. A person commits a class [D] E felony and, in addition, shall be barred for life from
19 excursion gambling boats under the jurisdiction of the commission, if the person:

20 (1) Offers, promises, or gives anything of value or benefit to a person who is connected
21 with an excursion gambling boat operator including, but not limited to, an officer or employee
22 of a licensee or holder of an occupational license pursuant to an agreement or arrangement or
23 with the intent that the promise or thing of value or benefit will influence the actions of the
24 person to whom the offer, promise, or gift was made in order to affect or attempt to affect the
25 outcome of a gambling game, or to influence official action of a member of the commission;

26 (2) Solicits or knowingly accepts or receives a promise of anything of value or benefit
27 while the person is connected with an excursion gambling boat including, but not limited to, an
28 officer or employee of a licensee, or holder of an occupational license, pursuant to an
29 understanding or arrangement or with the intent that the promise or thing of value or benefit will
30 influence the actions of the person to affect or attempt to affect the outcome of a gambling game,
31 or to influence official action of a member of the commission;

32 (3) Uses a device to assist in any of the following:

33 (a) In projecting the outcome of the game;

34 (b) In keeping track of the cards played;

35 (c) In analyzing the probability of the occurrence of an event relating to the gambling
36 game; or

37 (d) In analyzing the strategy for playing or betting to be used in the game, except as
38 permitted by the commission;

39 (4) Cheats at a gambling game;

40 (5) Manufactures, sells, or distributes any cards, chips, dice, game or device which is
41 intended to be used to violate any provision of sections 313.800 to 313.850;

42 (6) Instructs a person in cheating or in the use of a device for that purpose with the
43 knowledge or intent that the information or use conveyed may be employed to violate any
44 provision of sections 313.800 to 313.850;

45 (7) Alters or misrepresents the outcome of a gambling game on which wagers have been
46 made after the outcome is made sure but before it is revealed to the players;

47 (8) Places a bet after acquiring knowledge, not available to all players, of the outcome
48 of the gambling game which is the subject of the bet or to aid a person in acquiring the
49 knowledge for the purpose of placing a bet contingent on that outcome;

50 (9) Claims, collects, or takes, or attempts to claim, collect, or take, money or anything
51 of value in or from the gambling games, with intent to defraud, without having made a wager
52 contingent on winning a gambling game, or claims, collects, or takes an amount of money or
53 thing of value of greater value than the amount won;

54 (10) Knowingly entices or induces a person to go to any place where a gambling game
55 is being conducted or operated in violation of the provisions of sections 313.800 to 313.850 with
56 the intent that the other person plays or participates in that gambling game;

57 (11) Uses counterfeit chips or tokens in a gambling game;

58 (12) Knowingly uses, other than chips, tokens, coin, of other methods of credit approved
59 by the commission, legal tender of the United States of America, or to use coin not of the
60 denomination as the coin intended to be used in the gambling games;

61 (13) Has in the person's possession any device intended to be used to violate a provision
62 of sections 313.800 to 313.850;

63 (14) Has in the person's possession, except a gambling licensee or employee of a
64 gambling licensee acting in furtherance of the employee's employment, any key or device
65 designed for the purpose of opening, entering, or affecting the operation of a gambling game,
66 drop box, or an electronic or mechanical device connected with the gambling game or for
67 removing coins, tokens, chips or other contents of the gambling game; or

68 (15) Knowingly makes a false statement of any material fact to the commission, its
69 agents or employees.

70 5. The possession of one or more of the devices described in subdivision (3), (5), (13)
71 or (14) of subsection 4 of this section permits a rebuttable inference that the possessor intended
72 to use the devices for cheating.

73 6. Except for wagers on gambling games or exchanges for money as provided in section
74 313.817, or as payment for food or beverages on the excursion gambling boat, a licensee who
75 exchanges tokens, chips, or other forms of credit to be used on gambling games for anything of
76 value commits a class B misdemeanor.

77 7. If the commission determines that reasonable grounds to believe that a violation of
78 sections 313.800 to 313.850 has occurred or is occurring which is a criminal offense, the
79 commission shall refer such matter to both the state attorney general and the prosecuting attorney
80 or circuit attorney having jurisdiction. The state attorney general and the prosecuting attorney
81 or circuit attorney with such jurisdiction shall have concurrent jurisdiction to commence actions
82 for violations of sections 313.800 to 313.850 where such violations have occurred.

83 8. Venue for all crimes committed on an excursion gambling boat shall be the
84 jurisdiction of the home dock city or county or such county where a home dock city is located.

317.018. 1. Combative fighting is prohibited in the state of Missouri.

2 2. Anyone who promotes or participates in combative fighting, or anyone who serves as
3 an agent, principal partner, publicist, vendor, producer, referee, or contractor of or for combative
4 fighting is guilty of a class [D] E felony.

5 3. Any medical personnel who administers to, treats or assists any participants of
6 combative fighting shall not be subject to the provisions of this section.

7 4. Nothing in section 317.001 or this section is intended to regulate, or interfere with or
8 make illegal, traditional, sanctioned amateur or scholastic boxing, amateur or scholastic
9 wrestling, amateur or scholastic kickboxing, or amateur or scholastic full-contact karate or
10 amateur or scholastic mixed martial arts.

[571.085.] **319.1000.** Residents of the state of Missouri may purchase firearms in any
2 state, provided that such residents conform to the applicable provisions of the Federal Gun
3 Control Act of 1968, and regulations thereunder, and provided further that such residents
4 conform to the provisions of law applicable to such purchase in the state of Missouri and in the
5 state in which the purchase is made.

[571.087.] **319.1005.** Residents of any state may purchase firearms in the state of
2 Missouri, provided that such residents conform to the applicable provisions of the Federal Gun
3 Control Act of 1968, and regulations thereunder, and provided further that such residents
4 conform to the provisions of law applicable to such purchase in the state of Missouri and in the
5 state in which such persons reside.

[571.093.] **319.1007.** If any sheriff retains records of permits to obtain concealable
2 firearms issued under former section 571.090, as repealed by senate bills nos. 62 and 41 of the
3 ninety-fourth general assembly, then such records shall be closed to the public. No such record
4 shall be made available for any purpose whatsoever unless its disclosure is mandated by a valid
5 court order relating to a criminal investigation.

[571.095.] **319.1010.** Upon conviction for or attempting to commit a felony in violation
2 of any law perpetrated in whole or in part by the use of a firearm, the court may, in addition to
3 the penalty provided by law for such offense, order the confiscation and disposal or sale or trade

4 to a licensed firearms dealer of firearms and ammunition used in the commission of the crime
5 or found in the possession or under the immediate control of the defendant at the time of his or
6 her arrest. The proceeds of any sale or gains from trade shall be the property of the police
7 department or sheriff's department responsible for the defendant's arrest or the confiscation of
8 the firearms and ammunition. If such firearms or ammunition are not the property of the
9 convicted felon, they shall be returned to their rightful owner if he or she is known and was not
10 a participant in the crime. Any proceeds collected under this section shall be deposited with the
11 municipality or by the county treasurer into the county sheriff's revolving fund established in
12 section 50.535.

[571.101.] **319.1025.** 1. All applicants for concealed carry endorsements issued pursuant
2 to subsection 7 of this section must satisfy the requirements of sections [571.101 to 571.121]
3 **319.1025 to 319.1043.** If the said applicant can show qualification as provided by sections
4 [571.101 to 571.121] **319.1025 to 319.1043**, the county or city sheriff shall issue a certificate of
5 qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate
6 holder shall apply for a driver's license or nondriver's license with the director of revenue in order
7 to obtain a concealed carry endorsement. Any person who has been issued a concealed carry
8 endorsement on a driver's license or nondriver's license and such endorsement or license has not
9 been suspended, revoked, cancelled, or denied may carry concealed firearms on or about his or
10 her person or within a vehicle. A concealed carry endorsement shall be valid for a period of
11 three years from the date of issuance or renewal. The concealed carry endorsement is valid
12 throughout this state.

13 2. A certificate of qualification for a concealed carry endorsement issued pursuant to
14 subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or
15 city in which the applicant resides, if the applicant:

16 (1) Is at least twenty-one years [of age] **old**, is a citizen of the United States and either:

17 (a) Has assumed residency in this state; or

18 (b) Is a member of the armed forces stationed in Missouri, or the spouse of such member
19 of the military;

20 (2) Is at least twenty-one years [of age] **old**, or is at least eighteen years [of age] **old** and
21 a member of the United States Armed Forces or honorably discharged from the United States
22 Armed Forces, and is a citizen of the United States and either:

23 (a) Has assumed residency in this state;

24 (b) Is a member of the armed forces stationed in Missouri; or

25 (c) The spouse of such member of the military stationed in Missouri and twenty-one
26 years [of age] **old**;

27 (3) Has not [pled guilty to or entered a plea of nolo contendere or been convicted of a
28 crime] **been found guilty of an offense** punishable by imprisonment for a term exceeding one
29 year under the laws of any state or of the United States other than a crime classified as a
30 misdemeanor under the laws of any state and punishable by a term of imprisonment of one year
31 or less that does not involve an explosive weapon, firearm, firearm silencer or gas gun;

32 (4) Has not been [convicted of, pled guilty to or entered a plea of nolo contendere to]
33 **found guilty of** one or more misdemeanor offenses involving crimes of violence within a
34 five-year period immediately preceding application for a certificate of qualification for a
35 concealed carry endorsement or if the applicant has not been [convicted] **found guilty** of two or
36 more misdemeanor offenses involving driving while under the influence of intoxicating liquor
37 or drugs or the possession or abuse of a controlled substance within a five-year period
38 immediately preceding application for a certificate of qualification for a concealed carry
39 endorsement;

40 (5) Is not a fugitive from justice or currently charged in an information or indictment
41 with the commission of a crime punishable by imprisonment for a term exceeding one year under
42 the laws of any state of the United States other than a crime classified as a misdemeanor under
43 the laws of any state and punishable by a term of imprisonment of two years or less that does not
44 involve an explosive weapon, firearm, firearm silencer, or gas gun;

45 (6) Has not been discharged under dishonorable conditions from the United States armed
46 forces;

47 (7) Has not engaged in a pattern of behavior, documented in public records, that causes
48 the sheriff to have a reasonable belief that the applicant presents a danger to himself **or herself**
49 or others;

50 (8) Is not adjudged mentally incompetent at the time of application or for five years prior
51 to application, or has not been committed to a mental health facility, as defined in section
52 632.005, or a similar institution located in another state following a hearing at which the
53 defendant was represented by counsel or a representative;

54 (9) Submits a completed application for a certificate of qualification as described in
55 subsection 3 of this section;

56 (10) Submits an affidavit attesting that the applicant complies with the concealed carry
57 safety training requirement pursuant to subsections 1 and 2 of section [571.111] **319.1034**;

58 (11) Is not the respondent of a valid full order of protection which is still in effect.

59 3. The application for a certificate of qualification for a concealed carry endorsement
60 issued by the sheriff of the county of the applicant's residence shall contain only the following
61 information:

62 (1) The applicant's name, address, telephone number, gender, and date and place of birth;

63 (2) An affirmation that the applicant has assumed residency in Missouri or is a member
64 of the armed forces stationed in Missouri or the spouse of such a member of the armed forces
65 and is a citizen of the United States;

66 (3) An affirmation that the applicant is at least twenty-one years [of age] **old** or is
67 eighteen years [of age] **old** or older and a member of the United States Armed Forces or
68 honorably discharged from the United States Armed Forces;

69 (4) An affirmation that the applicant has not [pled guilty to or been convicted of a crime]
70 **been found guilty of an offense** punishable by imprisonment for a term exceeding one year
71 under the laws of any state or of the United States other than a crime classified as a misdemeanor
72 under the laws of any state and punishable by a term of imprisonment of one year or less that
73 does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

74 (5) An affirmation that the applicant has not been [convicted of, pled guilty to, or entered
75 a plea of nolo contendere to] **found guilty of** one or more misdemeanor offenses involving
76 crimes of violence within a five-year period immediately preceding application for a certificate
77 of qualification to obtain a concealed carry endorsement or if the applicant has not been
78 [convicted] **found guilty** of two or more misdemeanor offenses involving driving while under
79 the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance
80 within a five-year period immediately preceding application for a certificate of qualification to
81 obtain a concealed carry endorsement;

82 (6) An affirmation that the applicant is not a fugitive from justice or currently charged
83 in an information or indictment with the commission of a crime punishable by imprisonment for
84 a term exceeding one year under the laws of any state or of the United States other than a crime
85 classified as a misdemeanor under the laws of any state and punishable by a term of
86 imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm
87 silencer or gas gun;

88 (7) An affirmation that the applicant has not been discharged under dishonorable
89 conditions from the United States armed forces;

90 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time
91 of application or for five years prior to application, or has not been committed to a mental health
92 facility, as defined in section 632.005, or a similar institution located in another state, except that
93 a person whose release or discharge from a facility in this state pursuant to chapter 632, or a
94 similar discharge from a facility in another state, occurred more than five years ago without
95 subsequent recommitment may apply;

96 (9) An affirmation that the applicant has received firearms safety training that meets the
97 standards of applicant firearms safety training defined in subsection 1 or 2 of section [571.111]
98 **319.1034;**

99 (10) An affirmation that the applicant, to the applicant's best knowledge and belief, is
100 not the respondent of a valid full order of protection which is still in effect; and

101 (11) A conspicuous warning that false statements made by the applicant will result in
102 prosecution for perjury pursuant to the laws of the state of Missouri.

103 4. An application for a certificate of qualification for a concealed carry endorsement shall
104 be made to the sheriff of the county or any city not within a county in which the applicant
105 resides. An application shall be filed in writing, signed under oath and under the penalties of
106 perjury, and shall state whether the applicant complies with each of the requirements specified
107 in subsection 2 of this section. In addition to the completed application, the applicant for a
108 certificate of qualification for a concealed carry endorsement must also submit the following:

109 (1) A photocopy of a firearms safety training certificate of completion or other evidence
110 of completion of a firearms safety training course that meets the standards established in
111 subsection 1 or 2 of section [571.111] **319.1034**; and

112 (2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11
113 of this section.

114 5. Before an application for a certificate of qualification for a concealed carry
115 endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary
116 into the accuracy of the statements made in the application. The sheriff may require that the
117 applicant display a Missouri driver's license or nondriver's license or military identification and
118 orders showing the person being stationed in Missouri. In order to determine the applicant's
119 suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall
120 be fingerprinted. The sheriff shall request a criminal background check through the appropriate
121 law enforcement agency within three working days after submission of the properly completed
122 application for a certificate of qualification for a concealed carry endorsement. If no
123 disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall
124 be forwarded to the Federal Bureau of Investigation for a national criminal history record check.
125 Upon receipt of the completed background check, the sheriff shall issue a certificate of
126 qualification for a concealed carry endorsement within three working days. The sheriff shall
127 issue the certificate within forty-five calendar days if the criminal background check has not been
128 received, provided that the sheriff shall revoke any such certificate and endorsement within
129 twenty-four hours of receipt of any background check that results in a disqualifying record, and
130 shall notify the department of revenue.

131 6. The sheriff may refuse to approve an application for a certificate of qualification for
132 a concealed carry endorsement if he or she determines that any of the requirements specified in
133 subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable
134 reason to believe that the applicant has rendered a false statement regarding any of the provisions

of sections [571.101 to 571.121] **319.1025 to 319.1043**. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section [571.114] **319.1037**. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section [571.114] **319.1037**.

7. If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** if the applicant is otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section. The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section [571.107] **319.1031** in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.

8. The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections [571.101 to 571.121] **319.1025 to**

171 **319.1043.** An applicant's status as a holder of a certificate of qualification or a concealed carry
172 endorsement shall not be public information and shall be considered personal protected
173 information. Any person who violates the provisions of this subsection by disclosing protected
174 information shall be guilty of a class A misdemeanor.

175 9. Information regarding any holder of a certificate of qualification or a concealed carry
176 endorsement is a closed record.

177 10. For processing an application for a certificate of qualification for a concealed carry
178 endorsement pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043**, the sheriff in each
179 county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid
180 to the treasury of the county to the credit of the sheriff's revolving fund.

181 11. For processing a renewal for a certificate of qualification for a concealed carry
182 endorsement pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043**, the sheriff in each
183 county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the
184 treasury of the county to the credit of the sheriff's revolving fund.

185 12. For the purposes of sections [571.101 to 571.121] **319.1025 to 319.1043**, the term
186 "sheriff" shall include the sheriff of any county or city not within a county or his or her designee
187 and in counties of the first classification the sheriff may designate the chief of police of any city,
188 town, or municipality within such county.

[571.104.] **319.1028.** 1. (1) A concealed carry endorsement issued pursuant to sections
2 [571.101 to 571.121] **319.1025 to 319.1043** shall be suspended or revoked if the concealed carry
3 endorsement holder becomes ineligible for such concealed carry endorsement under the criteria
4 established in subdivisions (2), (3), (4), (5), and (7) of subsection 2 of section [571.101]
5 **319.1025** or upon the issuance of a valid full order of protection.

6 (2) When a valid full order of protection, or any arrest warrant, discharge, or
7 commitment for the reasons listed in subdivision (2), (3), (4), (5), or (7) of subsection 2 of
8 section [571.101] **319.1025**, is issued against a person holding a concealed carry endorsement
9 issued pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** upon notification of said
10 order, warrant, discharge or commitment or upon an order of a court of competent jurisdiction
11 in a criminal proceeding, a commitment proceeding or a full order of protection proceeding
12 ruling that a person holding a concealed carry endorsement presents a risk of harm to themselves
13 or others, then upon notification of such order, the holder of the concealed carry endorsement
14 shall surrender the driver's license or nondriver's license containing the concealed carry
15 endorsement to the court, to the officer, or other official serving the order, warrant, discharge,
16 or commitment.

17 (3) The official to whom the driver's license or nondriver's license containing the
18 concealed carry endorsement is surrendered shall issue a receipt to the licensee for the license

19 upon a form, approved by the director of revenue, that serves as a driver's license or a nondriver's
20 license and clearly states the concealed carry endorsement has been suspended. The official shall
21 then transmit the driver's license or a nondriver's license containing the concealed carry
22 endorsement to the circuit court of the county issuing the order, warrant, discharge, or
23 commitment. The concealed carry endorsement issued pursuant to sections [571.101 to 571.121]
24 **319.1025 to 319.1043** shall be suspended until the order is terminated or until the arrest results
25 in a dismissal of all charges. Upon dismissal, the court holding the driver's license or nondriver's
26 license containing the concealed carry endorsement shall return it to the individual.

27 (4) Any conviction, discharge, or commitment specified in sections [571.101 to 571.121]
28 **319.1025 to 319.1043** shall result in a revocation. Upon conviction, the court shall forward a
29 notice of conviction or action and the driver's license or nondriver's license with the concealed
30 carry endorsement to the department of revenue. The department of revenue shall notify the
31 sheriff of the county which issued the certificate of qualification for a concealed carry
32 endorsement and shall report the change in status of the concealed carry endorsement to the
33 Missouri uniform law enforcement system. The director of revenue shall immediately remove
34 the endorsement issued pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** from
35 the individual's driving record within three days of the receipt of the notice from the court. The
36 director of revenue shall notify the licensee that he or she must apply for a new license pursuant
37 to chapter 302 which does not contain such endorsement. This requirement does not affect the
38 driving privileges of the licensee. The notice issued by the department of revenue shall be
39 mailed to the last known address shown on the individual's driving record. The notice is deemed
40 received three days after mailing.

41 2. A concealed carry endorsement shall be renewed for a qualified applicant upon receipt
42 of the properly completed renewal application and the required renewal fee by the sheriff of the
43 county of the applicant's residence. The renewal application shall contain the same required
44 information as set forth in subsection 3 of section [571.101] **319.1025**, except that in lieu of the
45 fingerprint requirement of subsection 5 of section [571.101] **319.1025** and the firearms safety
46 training, the applicant need only display his or her current driver's license or nondriver's license
47 containing a concealed carry endorsement. Upon successful completion of all renewal
48 requirements, the sheriff shall issue a certificate of qualification which contains the date such
49 certificate was renewed.

50 3. A person who has been issued a certificate of qualification for a concealed carry
51 endorsement who fails to file a renewal application on or before its expiration date must pay an
52 additional late fee of ten dollars per month for each month it is expired for up to six months.
53 After six months, the sheriff who issued the expired certificate shall notify the director of
54 revenue that such certificate is expired. The director of revenue shall immediately cancel the

55 concealed carry endorsement and remove such endorsement from the individual's driving record
56 and notify the individual of such cancellation. The notice of cancellation of the endorsement
57 shall be conducted in the same manner as described in subsection 1 of this section. Any person
58 who has been issued a certificate of qualification for a concealed carry endorsement pursuant to
59 sections [571.101 to 571.121] **319.1025 to 319.1043** who fails to renew his or her application
60 within the six-month period must reapply for a new certificate of qualification for a concealed
61 carry endorsement and pay the fee for a new application. The director of revenue shall not issue
62 an endorsement on a renewed driver's license or renewed nondriver's license unless the applicant
63 for such license provides evidence that he or she has renewed the certification of qualification
64 for a concealed carry endorsement in the manner provided for such renewal pursuant to sections
65 [571.101 to 571.121] **319.1025 to 319.1043**. If an applicant for renewal of a driver's license or
66 nondriver's license containing a concealed carry endorsement does not want to maintain the
67 concealed carry endorsement, the applicant shall inform the director at the time of license
68 renewal of his or her desire to remove the endorsement. When a driver's or nondriver's license
69 applicant informs the director of his or her desire to remove the concealed carry endorsement,
70 the director shall renew the driver's license or nondriver's license without the endorsement
71 appearing on the license if the applicant is otherwise qualified for such renewal.

72 4. Any person issued a concealed carry endorsement pursuant to sections [571.101 to
73 571.121] **319.1025 to 319.1043** shall notify the department of revenue and the sheriffs of both
74 the old and new jurisdictions of the endorsement holder's change of residence within thirty days
75 after the changing of a permanent residence. The endorsement holder shall furnish proof to the
76 department of revenue and the sheriff in the new jurisdiction that the endorsement holder has
77 changed his or her residence. The sheriff of the new jurisdiction may charge a processing fee of
78 not more than ten dollars for any costs associated with notification of a change in residence. The
79 change of residence shall be made by the department of revenue onto the individual's driving
80 record and the new address shall be accessible by the Missouri uniform law enforcement system
81 within three days of receipt of the information.

82 5. Any person issued a driver's license or nondriver's license containing a concealed carry
83 endorsement pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** shall notify the
84 sheriff or his or her designee of the endorsement holder's county or city of residence within seven
85 days after actual knowledge of the loss or destruction of his or her driver's license or nondriver's
86 license containing a concealed carry endorsement. The endorsement holder shall furnish a
87 statement to the sheriff that the driver's license or nondriver's license containing the concealed
88 carry endorsement has been lost or destroyed. After notification of the loss or destruction of a
89 driver's license or nondriver's license containing a concealed carry endorsement, the sheriff shall
90 reissue a new certificate of qualification within three working days of being notified by the

91 concealed carry endorsement holder of its loss or destruction. The reissued certificate of
92 qualification shall contain the same personal information, including expiration date, as the
93 original certificate of qualification. The applicant shall then take the certificate to the department
94 of revenue, and the department of revenue shall proceed on the certificate in the same manner
95 as provided in subsection 7 section [571.101] **319.1025**. Upon application for a license pursuant
96 to chapter 302, the director of revenue shall issue a driver's license or nondriver's license
97 containing a concealed carry endorsement if the applicant is otherwise eligible to receive such
98 license.

99 6. If a person issued a concealed carry endorsement changes his or her name, the person
100 to whom the endorsement was issued shall obtain a corrected certificate of qualification for a
101 concealed carry endorsement with a change of name from the sheriff who issued such certificate
102 upon the sheriff's verification of the name change. The sheriff may charge a processing fee of
103 not more than ten dollars for any costs associated with obtaining a corrected certificate of
104 qualification. The endorsement holder shall furnish proof of the name change to the department
105 of revenue and the sheriff within thirty days of changing his or her name and display his or her
106 current driver's license or nondriver's license containing a concealed carry endorsement. The
107 endorsement holder shall apply for a new driver's license or nondriver's license containing his
108 or her new name. Such application for a driver's license or nondriver's license shall be made
109 pursuant to chapter 302. The director of revenue shall issue a driver's license or nondriver's
110 license with concealed carry endorsement with the endorsement holder's new name if the
111 applicant is otherwise eligible for such license. The director of revenue shall take custody of the
112 old driver's license or nondriver's license. The name change shall be made by the department of
113 revenue onto the individual's driving record and the new name shall be accessible by the
114 Missouri uniform law enforcement system within three days of receipt of the information.

115 7. A concealed carry endorsement shall be automatically invalid after thirty days if the
116 endorsement holder has changed his or her name or changed his or her residence and not notified
117 the department of revenue and sheriff of a change of name or residence as required in subsections
118 4 and 6 of this section.

[571.107.] **319.1031**. 1. A concealed carry endorsement issued pursuant to sections
2 [571.101 to 571.121] **319.1025 to 319.1043** or a concealed carry endorsement or permit issued
3 by another state or political subdivision of another state shall authorize the person in whose name
4 the permit or endorsement is issued to carry concealed firearms on or about his or her person or
5 vehicle throughout the state. No driver's license or nondriver's license containing a concealed
6 carry endorsement issued pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** or a
7 concealed carry endorsement or permit issued by another state or political subdivision of another
8 state shall authorize any person to carry concealed firearms into:

9 (1) Any police, sheriff, or highway patrol office or station without the consent of the
10 chief law enforcement officer in charge of that office or station. Possession of a firearm in a
11 vehicle on the premises of the office or station shall not be a criminal offense so long as the
12 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

13 (2) Within twenty-five feet of any polling place on any election day. Possession of a
14 firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long
15 as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

16 (3) The facility of any adult or juvenile detention or correctional institution, prison or
17 jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or
18 correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not
19 removed from the vehicle or brandished while the vehicle is on the premises;

20 (4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any
21 courtrooms, administrative offices, libraries or other rooms of any such court whether or not such
22 court solely occupies the building in question. This subdivision shall also include, but not be
23 limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of
24 the courts or offices listed in this subdivision are temporarily conducting any business within the
25 jurisdiction of such courts or offices, and such other locations in such manner as may be
26 specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this
27 subdivision shall preclude those persons listed in subdivision (1) of subsection [2 of section
28 571.030] **1 of section 571.041** while within their jurisdiction and on duty, those persons listed
29 in subdivisions (2), (4), and [(10)] **(9)** of subsection [2 of section 571.030] **1 of section 571.041**,
30 or such other persons who serve in a law enforcement capacity for a court as may be specified
31 by supreme court rule pursuant to subdivision (6) of this subsection from carrying a concealed
32 firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle
33 on the premises of any of the areas listed in this subdivision shall not be a criminal offense so
34 long as the firearm is not removed from the vehicle or brandished while the vehicle is on the
35 premises;

36 (5) Any meeting of the governing body of a unit of local government; or any meeting of
37 the general assembly or a committee of the general assembly, except that nothing in this
38 subdivision shall preclude a member of the body holding a valid concealed carry endorsement
39 from carrying a concealed firearm at a meeting of the body which he or she is a member.
40 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the
41 firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
42 Nothing in this subdivision shall preclude a member of the general assembly, a full-time
43 employee of the general assembly employed under section 17, article III, Constitution of
44 Missouri, legislative employees of the general assembly as determined under section 21.155, or

45 statewide elected officials and their employees, holding a valid concealed carry endorsement,
46 from carrying a concealed firearm in the state capitol building or at a meeting whether of the full
47 body of a house of the general assembly or a committee thereof, that is held in the state capitol
48 building;

49 (6) The general assembly, supreme court, county or municipality may by rule,
50 administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by
51 endorsement holders in that portion of a building owned, leased or controlled by that unit of
52 government. Any portion of a building in which the carrying of concealed firearms is prohibited
53 or limited shall be clearly identified by signs posted at the entrance to the restricted area. The
54 statute, rule or ordinance shall exempt any building used for public housing by private persons,
55 highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that
56 unit of government from any restriction on the carrying or possession of a firearm. The statute,
57 rule or ordinance shall not specify any criminal penalty for its violation but may specify that
58 persons violating the statute, rule or ordinance may be denied entrance to the building, ordered
59 to leave the building and if employees of the unit of government, be subjected to disciplinary
60 measures for violation of the provisions of the statute, rule or ordinance. The provisions of this
61 subdivision shall not apply to any other unit of government;

62 (7) Any establishment licensed to dispense intoxicating liquor for consumption on the
63 premises, which portion is primarily devoted to that purpose, without the consent of the owner
64 or manager. The provisions of this subdivision shall not apply to the licensee of said
65 establishment. The provisions of this subdivision shall not apply to any bona fide restaurant
66 open to the general public having dining facilities for not less than fifty persons and that receives
67 at least fifty-one percent of its gross annual income from the dining facilities by the sale of food.
68 This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the
69 establishment and shall not be a criminal offense so long as the firearm is not removed from the
70 vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision
71 authorizes any individual who has been issued a concealed carry endorsement to possess any
72 firearm while intoxicated;

73 (8) Any area of an airport to which access is controlled by the inspection of persons and
74 property. Possession of a firearm in a vehicle on the premises of the airport shall not be a
75 criminal offense so long as the firearm is not removed from the vehicle or brandished while the
76 vehicle is on the premises;

77 (9) Any place where the carrying of a firearm is prohibited by federal law;

78 (10) Any higher education institution or elementary or secondary school facility without
79 the consent of the governing body of the higher education institution or a school official or the
80 district school board. Possession of a firearm in a vehicle on the premises of any higher

81 education institution or elementary or secondary school facility shall not be a criminal offense
82 so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the
83 premises;

84 (11) Any portion of a building used as a child care facility without the consent of the
85 manager. Nothing in this subdivision shall prevent the operator of a child care facility in a
86 family home from owning or possessing a firearm or a driver's license or nondriver's license
87 containing a concealed carry endorsement;

88 (12) Any riverboat gambling operation accessible by the public without the consent of
89 the owner or manager pursuant to rules promulgated by the gaming commission. Possession of
90 a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal
91 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle
92 is on the premises;

93 (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the
94 premises of the amusement park shall not be a criminal offense so long as the firearm is not
95 removed from the vehicle or brandished while the vehicle is on the premises;

96 (14) Any church or other place of religious worship without the consent of the minister
97 or person or persons representing the religious organization that exercises control over the place
98 of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal
99 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle
100 is on the premises;

101 (15) Any private property whose owner has posted the premises as being off-limits to
102 concealed firearms by means of one or more signs displayed in a conspicuous place of a
103 minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less
104 than one inch. The owner, business or commercial lessee, manager of a private business
105 enterprise, or any other organization, entity, or person may prohibit persons holding a concealed
106 carry endorsement from carrying concealed firearms on the premises and may prohibit
107 employees, not authorized by the employer, holding a concealed carry endorsement from
108 carrying concealed firearms on the property of the employer. If the building or the premises are
109 open to the public, the employer of the business enterprise shall post signs on or about the
110 premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on
111 the premises shall not be a criminal offense so long as the firearm is not removed from the
112 vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees
113 or other persons holding a concealed carry endorsement from carrying a concealed firearm in
114 vehicles owned by the employer;

(16) Any sports arena or stadium with a seating capacity of five thousand or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of subsection 1 of this section by any individual who holds a concealed carry endorsement issued pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars and his or her endorsement to carry concealed firearms shall be suspended for a period of one year. If a third citation for a similar violation is issued within one year of the first citation, such person shall be fined an amount not to exceed five hundred dollars and shall have his or her concealed carry endorsement revoked and such person shall not be eligible for a concealed carry endorsement for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. The sheriff shall suspend or revoke the certificate of qualification for a concealed carry endorsement and the department of revenue shall issue a notice of such suspension or revocation of the concealed carry endorsement and take action to remove the concealed carry endorsement from the individual's driving record. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. A concealed carry endorsement suspension pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** shall be reinstated at the time of the renewal of his or her driver's license. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

[571.111.] **319.1034.** 1. An applicant for a concealed carry endorsement shall demonstrate knowledge of firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed carry endorsement:

(1) Submits a photocopy of a certificate of firearms safety training course completion, as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as defined in subsection 5 of this section; or

7 (2) Submits a photocopy of a certificate that shows the applicant completed a firearms
8 safety course given by or under the supervision of any state, county, municipal, or federal law
9 enforcement agency; or

10 (3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or

11 (4) Submits proof that the applicant currently holds any type of valid peace officer
12 license issued under the requirements of chapter 590; or

13 (5) Submits proof that the applicant is currently allowed to carry firearms in accordance
14 with the certification requirements of section 217.710; or

15 (6) Submits proof that the applicant is currently certified as any class of corrections
16 officer by the Missouri department of corrections and has passed at least one eight-hour firearms
17 training course, approved by the director of the Missouri department of corrections under the
18 authority granted to him or her by section 217.105, that includes instruction on the justifiable use
19 of force as prescribed in chapter 563; or

20 (7) Submits a photocopy of a certificate of firearms safety training course completion
21 that was issued on August 27, 2011, or earlier so long as the certificate met the requirements of
22 subsection 2 of this section that were in effect on the date it was issued.

23 2. A certificate of firearms safety training course completion may be issued to any
24 applicant by any qualified firearms safety instructor. On the certificate of course completion the
25 qualified firearms safety instructor shall affirm that the individual receiving instruction has taken
26 and passed a firearms safety course of at least eight hours in length taught by the instructor that
27 included:

28 (1) Handgun safety in the classroom, at home, on the firing range and while carrying the
29 firearm;

30 (2) A physical demonstration performed by the applicant that demonstrated his or her
31 ability to safely load and unload a revolver and a semiautomatic pistol and demonstrated his or
32 her marksmanship with both;

33 (3) The basic principles of marksmanship;

34 (4) Care and cleaning of concealable firearms;

35 (5) Safe storage of firearms at home;

36 (6) The requirements of this state for obtaining a certificate of qualification for a
37 concealed carry endorsement from the sheriff of the individual's county of residence and a
38 concealed carry endorsement issued by the department of revenue;

39 (7) The laws relating to firearms as prescribed in this chapter;

40 (8) The laws relating to the justifiable use of force as prescribed in chapter 563;

41 (9) A live firing exercise of sufficient duration for each applicant to fire both a revolver
42 and a semiautomatic pistol, from a standing position or its equivalent, a minimum of fifty rounds

43 from each handgun at a distance of seven yards from a B-27 silhouette target or an equivalent
44 target;

45 (10) A live fire test administered to the applicant while the instructor was present of
46 twenty rounds from each handgun from a standing position or its equivalent at a distance from
47 a B-27 silhouette target, or an equivalent target, of seven yards.

48 3. A qualified firearms safety instructor shall not give a grade of passing to an applicant
49 for a concealed carry endorsement who:

50 (1) Does not follow the orders of the qualified firearms instructor or cognizant range
51 officer; or

52 (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety
53 instructor, poses a danger to the applicant or to others; or

54 (3) During the live fire testing portion of the course fails to hit the silhouette portion of
55 the targets with at least fifteen rounds, with both handguns.

56 4. Qualified firearms safety instructors who provide firearms safety instruction to any
57 person who applies for a concealed carry endorsement shall:

58 (1) Make the applicant's course records available upon request to the sheriff of the
59 county in which the applicant resides;

60 (2) Maintain all course records on students for a period of no less than four years from
61 course completion date; and

62 (3) Not have more than forty students in the classroom portion of the course or more than
63 five students per range officer engaged in range firing.

64 5. A firearms safety instructor shall be considered to be a qualified firearms safety
65 instructor by any sheriff issuing a certificate of qualification for a concealed carry endorsement
66 pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** if the instructor:

67 (1) Is a valid firearms safety instructor certified by the National Rifle Association
68 holding a rating as a personal protection instructor or pistol marksmanship instructor; or

69 (2) Submits a photocopy of a certificate from a firearms safety instructor's course offered
70 by a local, state, or federal governmental agency; or

71 (3) Submits a photocopy of a certificate from a firearms safety instructor course
72 approved by the department of public safety; or

73 (4) Has successfully completed a firearms safety instructor course given by or under the
74 supervision of any state, county, municipal, or federal law enforcement agency; or

75 (5) Is a certified police officer firearms safety instructor.

76 6. Any firearms safety instructor who knowingly provides any sheriff with any false
77 information concerning an applicant's performance on any portion of the required training and
78 qualification shall be guilty of a class C misdemeanor.

[571.114.] **319.1037.** 1. In any case when the sheriff refuses to issue a certificate of qualification or to act on an application for such certificate, the denied applicant shall have the right to appeal the denial within thirty days of receiving written notice of the denial. Such appeals shall be heard in small claims court as defined in section 482.300, and the provisions of sections 482.300, 482.310 and 482.335 shall apply to such appeals.

2. A denial of or refusal to act on an application for a certificate of qualification may be appealed by filing with the clerk of the small claims court a copy of the sheriff's written refusal and a form substantially similar to the appeal form provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

SMALL CLAIMS COURT

In the Circuit Court of, Missouri

....., Denied Applicant

)

)

vs.) Case Number

)

), Sheriff

Return Date

APPEAL OF A DENIAL

OF CERTIFICATE OF

QUALIFICATION FOR A

CONCEALED CARRY ENDORSEMENT

The denied applicant states that his or her properly completed application for a certificate of qualification for a concealed carry endorsement was denied by the sheriff of County, Missouri, without just cause. The denied applicant affirms that all of the statements in the application are true., Denied Applicant

3. The notice of appeal in a denial of a certificate of qualification for a concealed carry endorsement appeal shall be made to the sheriff in a manner and form determined by the small claims court judge.

4. If at the hearing the person shows he or she is entitled to the requested certificate of qualification for a concealed carry endorsement, the court shall issue an appropriate order to cause the issuance of the certificate of qualification for a concealed carry endorsement. Costs shall not be assessed against the sheriff unless the action of the sheriff is determined by the judge to be arbitrary and capricious.

35 5. Any person aggrieved by any final judgment rendered by a small claims court in a
36 denial of a certificate of qualification for a concealed carry endorsement appeal may have a right
37 to trial de novo as provided in sections 512.180 to 512.320.

[571.117.] **319.1040.** 1. Any person who has knowledge that another person, who was
2 issued a certificate of qualification for a concealed carry endorsement pursuant to sections
3 [571.101 to 571.121] **319.1025 to 319.1043**, never was or no longer is eligible for such
4 endorsement under the criteria established in sections [571.101 to 571.121] **319.1025 to**
5 **319.1043** may file a petition with the clerk of the small claims court to revoke that person's
6 certificate of qualification for a concealed carry endorsement and such person's concealed carry
7 endorsement. The petition shall be in a form substantially similar to the petition for revocation
8 of concealed carry endorsement provided in this section. Appeal forms shall be provided by the
9 clerk of the small claims court free of charge to any person:

10 SMALL CLAIMS COURT
11 In the Circuit Court of, Missouri, PLAINTIFF

12)
13)
14 vs.) Case Number
15)
16)

17 , DEFENDANT,
18 Carry Endorsement Holder
19 , DEFENDANT,
20 Sheriff of Issuance

21 PETITION FOR REVOCATION
22 OF CERTIFICATE OF QUALIFICATION
23 OR CONCEALED CARRY ENDORSEMENT

24 Plaintiff states to the court that the defendant,, has a certificate of qualification
25 or a concealed carry endorsement issued pursuant to sections [571.101 to 571.121] **319.1025 to**
26 **319.1043**, RSMo, and that the defendant's certificate of qualification or concealed carry
27 endorsement should now be revoked because the defendant either never was or no longer is
28 eligible for such a certificate or endorsement pursuant to the provisions of sections [571.101 to
29 571.121] **319.1025 to 319.1043**, RSMo, specifically plaintiff states that defendant,,
30 never was or no longer is eligible for such certificate or endorsement for one or more of the
31 following reasons:

32 (CHECK BELOW EACH REASON
33 THAT APPLIES TO THIS DEFENDANT)

34 ☐ Defendant is not at least twenty-one years [of age] **old** or at least eighteen years [of
35 age] **old** and a member of the United States Armed Forces or honorably discharged from the
36 United States Armed Forces.

37 ☐ Defendant is not a citizen of the United States.

38 ☐ Defendant had not resided in this state prior to issuance of the permit and does not
39 qualify as a military member or spouse of a military member stationed in Missouri.

40 ☐ Defendant has [pled guilty to or been convicted of a crime] **been found guilty of an**
41 **offense** punishable by imprisonment for a term exceeding one year under the laws of any state
42 or of the United States other than a crime classified as a misdemeanor under the laws of any state
43 and punishable by a term of imprisonment of one year or less that does not involve an explosive
44 weapon, firearm, firearm silencer, or gas gun.

45 ☐ Defendant has been [convicted of, pled guilty to or entered a plea of nolo contendere
46 to] **found guilty of** one or more misdemeanor offenses involving crimes of violence within a
47 five-year period immediately preceding application for a certificate of qualification or concealed
48 carry endorsement issued pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043**,
49 RSMo, or if the applicant has been convicted of two or more misdemeanor offenses involving
50 driving while under the influence of intoxicating liquor or drugs or the possession or abuse of
51 a controlled substance within a five-year period immediately preceding application for a
52 certificate of qualification or a concealed carry endorsement issued pursuant to sections [571.101
53 to 571.121] **319.1025 to 319.1043**, RSMo.

54 ☐ Defendant is a fugitive from justice or currently charged in an information or
55 indictment with the commission of a crime punishable by imprisonment for a term exceeding one
56 year under the laws of any state of the United States other than a crime classified as a
57 misdemeanor under the laws of any state and punishable by a term of imprisonment of one year
58 or less that does not involve an explosive weapon, firearm, firearm silencer, or gas gun.

59 ☐ Defendant has been discharged under dishonorable conditions from the United States
60 armed forces.

61 ☐ Defendant is reasonably believed by the sheriff to be a danger to self or others based
62 on previous, documented pattern.

63 ☐ Defendant is adjudged mentally incompetent at the time of application or for five
64 years prior to application, or has been committed to a mental health facility, as defined in section
65 632.005, RSMo, or a similar institution located in another state, except that a person whose
66 release or discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar
67 discharge from a facility in another state, occurred more than five years ago without subsequent
68 recommitment may apply.

69 ☐ Defendant failed to submit a completed application for a certificate of qualification
70 or concealed carry endorsement issued pursuant to sections [571.101 to 571.121] **319.1025 to**
71 **319.1043**, RSMo.

72 ☐ Defendant failed to submit to or failed to clear the required background check.

73 ☐ Defendant failed to submit an affidavit attesting that the applicant complies with the
74 concealed carry safety training requirement pursuant to subsection 1 of section [571.111] **1034**,
75 RSMo.

76

77 The plaintiff subject to penalty for perjury states that the information contained in this petition
78 is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the
79 petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent
80 named herein., PLAINTIFF

81 2. If at the hearing the plaintiff shows that the defendant was not eligible for the
82 certificate of qualification or the concealed carry endorsement issued pursuant to sections
83 [571.101 to 571.121] **319.1025 to 319.1043**, at the time of issuance or renewal or is no longer
84 eligible for a certificate of qualification or the concealed carry endorsement issued pursuant to
85 the provisions of sections [571.101 to 571.121] **319.1025 to 319.1043**, the court shall issue an
86 appropriate order to cause the revocation of the certificate of qualification or concealed carry
87 endorsement. Costs shall not be assessed against the sheriff.

88 3. The finder of fact, in any action brought against an endorsement holder pursuant to
89 subsection 1 of this section, shall make findings of fact and the court shall make conclusions of
90 law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted
91 without justification or with malice or primarily with an intent to harass the endorsement holder
92 or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay
93 the defendant/respondent all reasonable costs incurred in defending the action including, but not
94 limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the
95 plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and
96 costs to be awarded should be liberally calculated in defendant/respondent's favor.
97 Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be
98 at least one hundred fifty dollars per hour.

99 4. Any person aggrieved by any final judgment rendered by a small claims court in a
100 petition for revocation of a certificate of qualification or concealed carry endorsement may have
101 a right to trial de novo as provided in sections 512.180 to 512.320.

102 5. The office of the county sheriff or any employee or agent of the county sheriff shall
103 not be liable for damages in any civil action arising from alleged wrongful or improper granting,
104 renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement

105 issued pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043**, so long as the sheriff
106 acted in good faith.

[571.121.] **319.1043.** 1. Any person issued a concealed carry endorsement pursuant to
2 sections [571.101 to 571.121] **319.1025 to 319.1043** shall carry the concealed carry endorsement
3 at all times the person is carrying a concealed firearm and shall display the concealed carry
4 endorsement upon the request of any peace officer. Failure to comply with this subsection shall
5 not be a criminal offense but the concealed carry endorsement holder may be issued a citation
6 for an amount not to exceed thirty-five dollars.

7 2. Notwithstanding any other provisions of law, the director of revenue, by carrying out
8 his or her requirement to issue a driver's or nondriver's license reflecting that a concealed carry
9 permit has been granted, shall bear no liability and shall be immune from any claims for damages
10 resulting from any determination made regarding the qualification of any person for such permit
11 or for any actions stemming from the conduct of any person issued such a permit. By issuing the
12 permit on the driver's or nondriver's license, the director of revenue is merely acting as a
13 scrivener for any determination made by the sheriff that the person is qualified for the permit.

320.089. 1. No person or other legal entity shall label personal protective equipment as
2 meeting the standards set forth in subsection 2 of section 320.088 unless such equipment does
3 in fact meet such standards.

4 2. Any person who violates the provisions of subsection 1 of this section is guilty of a
5 class [D] E felony.

320.161. Any person violating any provision of sections 320.106 to 320.161 is guilty of
2 a class A misdemeanor, except that a person violating section 320.136 is guilty of a class [C] D
3 felony.

324.1142. Any person who knowingly falsifies the fingerprints or photographs or other
2 information required to be submitted under sections 324.1100 to 324.1148 is guilty of a class [D]
3 E felony; and any person who violates any of the other provisions of sections 324.1100 to
4 324.1148 is guilty of a class A misdemeanor.

324.1148. Any person who violates sections 324.1100 to 324.1148 is guilty of a class
2 A misdemeanor. Any second or subsequent violation of sections 324.1100 to 324.1148 is a class
3 [D] E felony.

334.250. 1. Any person who violates section 334.010 shall, upon conviction, be
2 adjudged guilty of a class [C] D felony for each and every offense; and treating each patient is
3 considered a separate offense.

4 2. Any person filing or attempting to file as his own a license of another, or forged
5 affidavit of identification, shall be guilty of a class [C] D felony and upon conviction thereof

6 shall be subjected to such fine and imprisonment as is provided by the statutes of this state for
7 the crime of forgery.

335.096. Any person who violates any of the provisions of chapter 335 is guilty of a
2 class [D] E felony and, upon conviction, shall be punished as provided by law.

338.195. Any person, who is not licensed under this chapter, who violates any provision
2 of sections 338.010 to 338.315 shall, upon conviction, be adjudged guilty of a class [C] D felony.

338.315. 1. Except as otherwise provided by the board by rule, it shall be unlawful for
2 any pharmacist, pharmacy owner or person employed by a pharmacy to knowingly purchase or
3 receive any legend drugs under 21 U.S.C. Section 353 from other than a licensed or registered
4 drug distributor or licensed pharmacy. Any person who violates the provisions of this section
5 shall, upon conviction, be adjudged guilty of a class A misdemeanor. Any subsequent conviction
6 shall constitute a class [D] E felony.

7 2. Notwithstanding any other provision of law to the contrary, the sale, purchase, or trade
8 of a prescription drug by a pharmacy to other pharmacies is permissible if the total dollar volume
9 of such sales, purchases, or trades are in compliance with the rules of the board and do not
10 exceed five percent of the pharmacy's total annual prescription drug sales.

11 3. Pharmacies shall establish and maintain inventories and records of all transactions
12 regarding the receipt and distribution or other disposition of legend drugs. Such records shall
13 be maintained for two years and be readily available upon request by the board or its
14 representatives.

15 4. The board shall promulgate rules to implement the provisions of this section. Any
16 rule or portion of a rule, as that term is defined in section 536.010, that is created under the
17 authority delegated in this section shall become effective only if it complies with and is subject
18 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
19 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
20 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
21 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
22 or adopted after August 28, 2012, shall be invalid and void.

338.370. Every person who violates any provision of sections 338.333, 338.337, and
2 338.340 shall, upon conviction thereof, be adjudged guilty of a class [C] D felony.

339.100. 1. The commission may, upon its own motion, and shall upon receipt of a
2 written complaint filed by any person, investigate any real estate-related activity of a licensee
3 licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or
4 entity acting as or representing themselves as a real estate licensee. In conducting such
5 investigation, if the questioned activity or written complaint involves an affiliated licensee, the
6 commission may forward a copy of the information received to the affiliated licensee's

7 designated broker. The commission shall have the power to hold an investigatory hearing to
8 determine whether there is a probability of a violation of sections 339.010 to 339.180 and
9 sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to
10 compel the production of records and papers bearing on the complaint. The commission shall
11 have the power to issue a subpoena and to compel any person in this state to come before the
12 commission to offer testimony or any material specified in the subpoena. Subpoenas and
13 subpoenas duces tecum issued pursuant to this section shall be served in the same manner as
14 subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that
15 allowed in the circuit court in civil cases.

16 2. The commission may cause a complaint to be filed with the administrative hearing
17 commission as provided by the provisions of chapter 621 against any person or entity licensed
18 under this chapter or any licensee who has failed to renew or has surrendered his or her
19 individual or entity license for any one or any combination of the following acts:

20 (1) Failure to maintain and deposit in a special account, separate and apart from his or
21 her personal or other business accounts, all moneys belonging to others entrusted to him or her
22 while acting as a real estate broker or as the temporary custodian of the funds of others, until the
23 transaction involved is consummated or terminated, unless all parties having an interest in the
24 funds have agreed otherwise in writing;

25 (2) Making substantial misrepresentations or false promises or suppression, concealment
26 or omission of material facts in the conduct of his or her business or pursuing a flagrant and
27 continued course of misrepresentation through agents, salespersons, advertising or otherwise in
28 any transaction;

29 (3) Failing within a reasonable time to account for or to remit any moneys, valuable
30 documents or other property, coming into his or her possession, which belongs to others;

31 (4) Representing to any lender, guaranteeing agency, or any other interested party, either
32 verbally or through the preparation of false documents, an amount in excess of the true and
33 actual sale price of the real estate or terms differing from those actually agreed upon;

34 (5) Failure to timely deliver a duplicate original of any and all instruments to any party
35 or parties executing the same where the instruments have been prepared by the licensee or under
36 his or her supervision or are within his or her control, including, but not limited to, the
37 instruments relating to the employment of the licensee or to any matter pertaining to the
38 consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property,
39 or any type of real estate transaction in which he or she may participate as a licensee;

40 (6) Acting for more than one party in a transaction without the knowledge of all parties
41 for whom he or she acts, or accepting a commission or valuable consideration for services from

42 more than one party in a real estate transaction without the knowledge of all parties to the
43 transaction;

44 (7) Paying a commission or valuable consideration to any person for acts or services
45 performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

46 (8) Guaranteeing or having authorized or permitted any licensee to guarantee future
47 profits which may result from the resale of real property;

48 (9) Having been finally adjudicated and been found guilty of the violation of any state
49 or federal statute which governs the sale or rental of real property or the conduct of the real estate
50 business as defined in subsection 1 of section 339.010;

51 (10) Obtaining a certificate or registration of authority, permit or license for himself or
52 herself or anyone else by false or fraudulent representation, fraud or deceit;

53 (11) Representing a real estate broker other than the broker with whom associated
54 without the express written consent of the broker with whom associated;

55 (12) Accepting a commission or valuable consideration for the performance of any of
56 the acts referred to in section 339.010 from any person except the broker with whom associated
57 at the time the commission or valuable consideration was earned;

58 (13) Using prizes, money, gifts or other valuable consideration as inducement to secure
59 customers or clients to purchase, lease, sell or list property when the awarding of such prizes,
60 money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or
61 listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting
62 lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective
63 purchaser of real property;

64 (14) Placing a sign on or advertising any property offering it for sale or rent without the
65 written consent of the owner or his or her duly authorized agent;

66 (15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling
67 any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to
68 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections
69 339.710 to 339.860;

70 (16) Committing any act which would otherwise be grounds for the commission to
71 refuse to issue a license under section 339.040;

72 (17) Failure to timely inform seller of all written offers unless otherwise instructed in
73 writing by the seller;

74 (18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo
75 contendere, in a criminal prosecution under the laws of this state or any other state or of the
76 United States, for any offense reasonably related to the qualifications, functions or duties of any
77 profession licensed or regulated under this chapter, for any offense an essential element of which

78 is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether
79 or not sentence is imposed;

80 (19) Any other conduct which constitutes untrustworthy, improper or fraudulent business
81 dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

82 (20) Disciplinary action against the holder of a license or other right to practice any
83 profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted
84 by another state, territory, federal agency, or country upon grounds for which revocation,
85 suspension, or probation is authorized in this state;

86 (21) Been found by a court of competent jurisdiction of having used any controlled
87 substance, as defined in chapter 195, to the extent that such use impairs a person's ability to
88 perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and
89 sections 339.710 to 339.860;

90 (22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

91 (23) Assisting or enabling any person to practice or offer to practice any profession
92 licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who
93 is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections
94 339.710 to 339.860;

95 (24) Use of any advertisement or solicitation which is knowingly false, misleading or
96 deceptive to the general public or persons to whom the advertisement or solicitation is primarily
97 directed;

98 (25) Making any material misstatement, misrepresentation, or omission with regard to
99 any application for licensure or license renewal. As used in this section, "material" means
100 important information about which the commission should be informed and which may influence
101 a licensing decision;

102 (26) Engaging in, committing, or assisting any person in engaging in or committing
103 mortgage fraud, as defined in section 443.930.

104 3. After the filing of such complaint, the proceedings will be conducted in accordance
105 with the provisions of law relating to the administrative hearing commission. A finding of the
106 administrative hearing commissioner that the licensee has performed or attempted to perform one
107 or more of the foregoing acts shall be grounds for the suspension or revocation of his license by
108 the commission, or the placing of the licensee on probation on such terms and conditions as the
109 real estate commission shall deem appropriate, or the imposition of a civil penalty by the
110 commission not to exceed two thousand five hundred dollars for each offense. Each day of a
111 continued violation shall constitute a separate offense.

112 4. The commission may prepare a digest of the decisions of the administrative hearing
113 commission which concern complaints against licensed brokers or salespersons and cause such

digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or changed rules adopted by the commission and other information of significance to licensees.

5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: rape **in the first degree**, statutory rape in the first degree, statutory rape in the second degree, [sexual assault, forcible] **rape in the second degree**, sodomy **in the first degree**, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, [deviate sexual assault] **sodomy in the second degree**, sexual misconduct involving a child, [sexual misconduct in the first degree,] sexual abuse **in the first or second degree**, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class D felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310.

6. A person whose license was revoked under subsection 5 of this section may appeal such revocation to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within ninety days of mailing, by certified mail, the notice of revocation. Failure of a person whose license was revoked to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission.

[566.265.] **351.493.** If a corporation or other business [pleads guilty to or] is found guilty of violating section 566.203, 566.206, 566.209, [566.212, 566.213,] **566.210, 566.211**, or

3 566.215, in addition to the criminal penalties described in such sections and other remedies
4 provided for by law, the court may:

5 (1) Order its dissolution or reorganization;

6 (2) Order the suspension or revocation of any license, permit, or prior approval granted
7 to it by the state;

8 (3) Order the surrender of its charter if it is organized under Missouri law or the
9 revocation of its certificate to conduct business in Missouri if it is not organized under Missouri
10 law.

354.320. No officer, enrollment representative or employee of any corporation subject
2 to the provisions of sections 354.010 to 354.380, formed under the laws of this state, or doing
3 business herein, shall, directly or indirectly, use or employ, or permit others to use or employ,
4 any of the money, funds or securities of such corporation for private profit or gain, except for
5 reasonable compensation for services performed and reimbursement for expenses incurred, and
6 any such use shall, upon conviction thereof, be a class [D] E felony.

362.170. 1. As used in this section, the term "unimpaired capital" includes common and
2 preferred stock, capital notes, the surplus fund, undivided profits and any reserves, not subject
3 to known charges as shown on the next preceding published report of the bank or trust company
4 to the director of finance or obtained by the director pursuant to subsection 3 of section 361.130.
5 For purposes of lending limitations, goodwill may comprise no more than ten percent of
6 unimpaired capital.

7 2. No bank or trust company subject to the provisions of this chapter shall:

8 (1) Directly or indirectly, lend to any individual, partnership, corporation, limited
9 liability company or body politic, either by means of letters of credit, by acceptance of drafts, or
10 by discount or purchase of notes, bills of exchange, or other obligations of the individual,
11 partnership, corporation, limited liability company or body politic an amount or amounts in the
12 aggregate which will exceed the greater of: (i) twenty-five percent of the unimpaired capital of
13 the bank or trust company, provided such bank or trust company has a composite rating of 1 or
14 2 under the Capital, Assets, Management, Earnings, Liquidity and Sensitivity (CAMELS) rating
15 system of the Federal Financial Institute Examination Counsel (FFIEC); (ii) fifteen percent of
16 the unimpaired capital of the bank or trust company if located in a city having a population of
17 one hundred thousand or over; twenty percent of the unimpaired capital of the bank or trust
18 company if located in a city having a population of less than one hundred thousand and over
19 seven thousand; and twenty-five percent of the unimpaired capital of the bank or trust company
20 if located elsewhere in the state, with the following exceptions:

21 (a) The restrictions in this subdivision shall not apply to:

- 22 a. Bonds or other evidences of debt of the government of the United States or its
23 territorial and insular possessions, or of the state of Missouri, or of any city, county, town,
24 village, or political subdivision of this state;
- 25 b. Bonds or other evidences of debt, the issuance of which is authorized under the laws
26 of the United States, and as to which the government of the United States has guaranteed or
27 contracted to provide funds to pay both principal and interest;
- 28 c. Bonds or other evidences of debt of any state of the United States other than the state
29 of Missouri, or of any county, city or school district of the foreign state, which county, city, or
30 school district shall have a population of fifty thousand or more inhabitants, and which shall not
31 have defaulted for more than one hundred twenty days in the payment of any of its general
32 obligation bonds or other evidences of debt, either principal or interest, for a period of ten years
33 prior to the time of purchase of the investment and provided that the bonds or other evidences
34 of debt shall be a direct general obligation of the county, city, or school district;
- 35 d. Loans to the extent that they are insured or covered by guaranties or by commitments
36 or agreements to take over or purchase made by any department, bureau, board, commission, or
37 establishment of the United States or of the state of Missouri, including any corporation, wholly
38 owned, directly or indirectly, by the United States or of the state of Missouri, pursuant to the
39 authority of any act of Congress or the Missouri general assembly heretofore or hereafter adopted
40 or amended or pursuant to the authority of any executive order of the President of the United
41 States or the governor of Missouri heretofore or hereafter made or amended under the authority
42 of any act of Congress heretofore or hereafter adopted or amended, and the part of the loan not
43 so agreed to be purchased or discounted is within the restrictive provisions of this section;
- 44 e. Obligations to any bank or trust company in the form of notes of any person,
45 copartnership, association, corporation or limited liability company, secured by not less than a
46 like amount of direct obligations of the United States which will mature in not exceeding five
47 years from the date the obligations to the bank are entered into;
- 48 f. Loans to the extent they are secured by a segregated deposit account in the lending
49 bank if the lending bank has obtained a perfected security interest in such account;
- 50 g. Evidences of debt which are direct obligations of, or which are guaranteed by, the
51 Government National Mortgage Association, the Federal National Mortgage Association, the
52 Student Loan Marketing Association, the Federal Home Loan Banks, the Federal Farm Credit
53 Bank or the Federal Home Loan Mortgage Corporation, or evidences of debt which are fully
54 collateralized by direct obligations of, and which are issued by, the Government National
55 Mortgage Association, the Federal National Mortgage Association, the Student Loan Marketing
56 Association, a Federal Home Loan Bank, the Federal Farm Credit Bank or the Federal Home
57 Loan Mortgage Corporation;

58 (b) The total liabilities to the bank or trust company of any individual, partnership,
59 corporation or limited liability company may equal but not exceed thirty-five percent of the
60 unimpaired capital of the bank or trust company; provided, that all of the total liabilities in
61 excess of the legal loan limit of the bank or trust company as defined in this subdivision are upon
62 paper based upon the collateral security of warehouse receipts covering agricultural products or
63 the manufactured or processed derivatives of agricultural products in public elevators and public
64 warehouses subject to state supervision and regulation in this state or in any other state of the
65 United States, under the following conditions: first, that the actual market value of the property
66 held in store and covered by the receipt shall at all times exceed by at least fifteen percent the
67 amount loaned upon it; and second, that the property covered by the receipts shall be insured to
68 the full market value thereof against loss by fire and lightning, the insurance policies to be issued
69 by corporations or individuals licensed to do business by the state in which the property is
70 located, and when the insurance has been used to the limit that it can be secured, then in
71 corporations or with individuals licensed to do an insurance business by the state or country of
72 their incorporation or residence; and all policies covering property on which the loan is made
73 shall have endorsed thereon, "loss, if any, payable to the holder of the warehouse receipts"; and
74 provided further, that in arriving at the amount that may be loaned by any bank or trust company
75 to any individual, partnership, corporation or limited liability company on elevator or warehouse
76 receipts there shall be deducted from the thirty-five percent of its unimpaired capital the total of
77 all other liabilities of the individual, partnership, corporation or limited liability company to the
78 bank or trust company;

79 (c) In computing the total liabilities of any individual to a bank or trust company there
80 shall be included all liabilities to the bank or trust company of any partnership of which the
81 individual is a member, and any loans made for the individual's benefit or for the benefit of the
82 partnership; of any partnership to a bank or trust company there shall be included all liabilities
83 of and all loans made for the benefit of the partnership; of any corporation to a bank or trust
84 company there shall be included all loans made for the benefit of the corporation and of any
85 limited liability company to a bank or trust company there shall be included all loans made for
86 the benefit of the limited liability company;

87 (d) The purchase or discount of drafts, or bills of exchange drawn in good faith against
88 actually existing values, shall not be considered as money borrowed within the meaning of this
89 section; and the purchase or discount of negotiable or nonnegotiable paper which carries the full
90 recourse endorsements or guaranty or agreement to repurchase of the person, copartnership,
91 association, corporation or limited liability company negotiating the same shall not be considered
92 as money borrowed by the endorser or guarantor or the repurchaser within the meaning of this
93 section, provided that the files of the bank or trust company acquiring the paper contain the

94 written certification by an officer designated for this purpose by its board of directors that the
95 responsibility of the makers has been evaluated and the acquiring bank or trust company is
96 relying primarily upon the makers thereof for the payment of the paper;

97 (e) For the purpose of this section, a loan guaranteed by an individual who does not
98 receive the proceeds of the loan shall not be considered a loan to the guarantor;

99 (f) Investments in mortgage-related securities, as described in the Secondary Mortgage
100 Market Enhancement Act of 1984, P.L. 98-440, excluding those described in subparagraph g.
101 of paragraph (a) of subdivision (1) of this subsection, shall be subject to the restrictions of this
102 section, provided that a bank or trust company may invest up to two times its legal loan limit in
103 any such securities that are rated in one of the two highest rating categories by at least one
104 nationally recognized statistical rating organization;

105 (2) Nor shall any of its directors, officers, agents, or employees, directly or indirectly
106 purchase or be interested in the purchase of any certificate of deposit, pass book, promissory
107 note, or other evidence of debt issued by it, for less than the principal amount of the debt, without
108 interest, for which it was issued. Every bank or trust company or person violating the provisions
109 of this subdivision shall forfeit to the state the face value of the note or other evidence of debt
110 so purchased;

111 (3) Make any loan or discount on the security of the shares of its own capital stock, or
112 be the purchaser or holder of these shares, unless the security or purchase shall be necessary to
113 prevent loss upon a debt previously contracted in good faith, and stock so purchased or acquired
114 shall be sold at public or private sale, or otherwise disposed of, within six months from the time
115 of its purchase or acquisition unless the time is extended by the finance director. Any bank or
116 trust company violating any of the provisions of this subdivision shall forfeit to the state the
117 amount of the loan or purchase;

118 (4) Knowingly lend, directly or indirectly, any money or property for the purpose of
119 enabling any person to pay for or hold shares of its stock, unless the loan is made upon security
120 having an ascertained or market value of at least fifteen percent more than the amount of the
121 loan. Any bank or trust company violating the provision of this subdivision shall forfeit to the
122 state the amount of the loan;

123 (5) Loans or other extensions of credit to officers and directors shall be in accordance
124 with Federal Reserve Board Regulation O (12 CFR 215.1, et seq.). Every bank or trust company
125 or officer thereof knowingly violating the provisions of this subdivision shall, for each offense,
126 forfeit to the state the amount of the loan or extension of credit;

127 (6) Invest or keep invested in the stock of any private corporation, provided however,
128 a bank or trust company may invest in equity stock in the Federal Home Loan Bank up to twice

129 the limit described in subdivision (1) of this subsection and except as otherwise provided in this
130 chapter.

131 3. Provided, that the provisions in this section shall not be so construed as in any way
132 to interfere with the rules and regulations of any clearinghouse association in this state in
133 reference to the daily balances; and provided, that this section shall not apply to balances due
134 from any correspondent subject to draft.

135 4. Provided, that a trust company which does not accept demand deposits shall be
136 permitted to make loans secured by a first mortgage or deed of trust on real estate to any
137 individual, partnership, corporation or limited liability company, and to deal and invest in the
138 interest-bearing obligations of any state, or any city, county, town, village, or political
139 subdivision thereof, in an amount not to exceed its unimpaired capital, the loans on real estate
140 not to exceed sixty-six and two-thirds percent of the appraised value of the real estate.

141 5. Any officer, director, agent, clerk, or employee of any bank or trust company who
142 willfully and knowingly makes or concurs in making any loan, either directly or indirectly, to any
143 individual, partnership, corporation or limited liability company or by means of letters of credit,
144 by acceptance of drafts, or by discount or purchase of notes, bills of exchange or other obligation
145 of any person, partnership, corporation or limited liability company, in excess of the amounts set
146 out in this section, shall be deemed guilty of a class [C] **D** felony.

147 6. A trust company in existence on October 15, 1967, or a trust company incorporated
148 thereafter which does not accept demand deposits, may invest in but shall not invest or keep
149 invested in the stock of any private corporation an amount in excess of fifteen percent of the
150 capital and surplus fund of the trust company; provided, however, that this limitation shall not
151 apply to the ownership of the capital stock of a safe deposit company as provided in section
152 362.105; nor to the ownership by a trust company in existence on October 15, 1967, or its
153 stockholders of a part or all of the capital stock of one bank organized under the laws of the
154 United States or of this state, nor to the ownership of a part or all of the capital of one
155 corporation organized under the laws of this state for the principal purpose of receiving savings
156 deposits or issuing debentures or loaning money on real estate or dealing in or guaranteeing the
157 payment of real estate securities, or investing in other securities in which trust companies may
158 invest under this chapter; nor to the continued ownership of stocks lawfully acquired prior to
159 January 1, 1915, and the prohibition for investments in this subsection shall not apply to
160 investments otherwise provided by law other than subdivision (4) of subsection 3 of section
161 362.105.

162 7. Any bank or trust company to which the provisions of subsection 2 of this section
163 apply may continue to make loans pursuant to the provisions of subsection 2 of this section for
164 up to five years after the appropriate decennial census indicates that the population of the city

165 in which such bank or trust company is located has exceeded the limits provided in subsection
166 2 of this section.

367.031. 1. At the time of making any secured personal credit loan, the lender shall
2 execute and deliver to the borrower a receipt for and describing the tangible personal property
3 subjected to the security interest to secure the payment of the loan. The receipt shall contain the
4 following:

5 (1) The name and address of the pawnshop;

6 (2) The name and address of the pledgor, the pledgor's description, and the driver's
7 license number, military identification number, identification certificate number, or other official
8 number capable of identifying the pledgor;

9 (3) The date of the transaction;

10 (4) An identification and description of the pledged goods, including serial numbers if
11 reasonably available;

12 (5) The amount of cash advanced or credit extended to the pledgor;

13 (6) The amount of the pawn service charge;

14 (7) The total amount which must be paid to redeem the pledged goods on the maturity
15 date;

16 (8) The maturity date of the pawn transaction; and

17 (9) A statement to the effect that the pledgor is not obligated to redeem the pledged
18 goods, and that the pledged goods may be forfeited to the pawnbroker sixty days after the
19 specified maturity date.

20 2. The pawnbroker may be required, in accordance with local ordinances, to furnish
21 appropriate law enforcement authorities with copies of information contained in subdivisions (1)
22 to (4) of subsection 1 of this section and information contained in subdivision (6) of subsection
23 4 of section 367.040. The pawnbroker may satisfy such requirements by transmitting such
24 information electronically to a database in accordance with this section, except that paper copies
25 shall be made available for an on-site inspection upon request of any appropriate law
26 enforcement authority.

27 3. As used in this section, the following terms mean: (1) "Database", a computer
28 database established and maintained by a third party engaged in the business of establishing and
29 maintaining one or more databases; (2) "Permitted user", persons authorized by law enforcement
30 personnel to access the database; (3) "Reportable data", the information required to be recorded
31 by pawnbrokers for pawn transactions pursuant to subdivisions (1) to (4) of subsection 1 of this
32 section and the information required to be recorded by pawnbrokers for purchase transactions
33 pursuant to subdivision (6) of subsection 4 of section 367.040; (4) "Reporting pawnbroker", a

34 pawnbroker who chooses to transmit reportable data electronically to the database; (5) "Search",
35 the accessing of a single database record.

36 4. The database shall provide appropriate law enforcement officials with the information
37 contained in subdivisions (1) to (4) of subsection 1 of this section and other useful information
38 to facilitate the investigation of alleged property crimes while protecting the privacy rights of
39 pawnbrokers and pawnshop customers with regard to their transactions.

40 5. The database shall contain the pawn and purchase transaction information recorded
41 by reporting pawnbrokers pursuant to this section and section 367.040 and shall be updated as
42 requested. The database shall also contain such security features and protections as may be
43 necessary to ensure that the reportable data maintained in the database can only be accessed by
44 permitted users in accordance with the provisions of this section.

45 6. The third party's charge for the database shall be based on the number of permitted
46 users. Law enforcement agencies shall be charged directly for access to the database, and the
47 charge shall be reasonable in relation to the costs of the third party in establishing and
48 maintaining the database. No reporting pawnbroker or customer of a reporting pawnbroker shall
49 be charged any costs for the creation or utilization of the database.

50 7. (1) The information in the database shall only be accessible through the internet to
51 permitted users who have provided a secure identification or access code to the database but shall
52 allow such permitted users to access database information from any jurisdiction transmitting
53 such information to that database. Such permitted users shall provide the database with an
54 identifier number of a criminal action for which the identity of the pawn or purchase transaction
55 customer is needed and a representation that the information is connected to an inquiry or to the
56 investigation of a complaint or alleged crime involving goods delivered by that customer in that
57 transaction. The database shall record, for each search, the identity of the permitted user, the
58 pawn or purchase transaction involved in the search, and the identity of any customer accessed
59 through the search. Each search record shall be made available to other permitted users
60 regardless of their jurisdiction. The database shall enable reporting pawnbrokers to transmit to
61 the database through the internet reportable data for each pawn and purchase transaction.

62 (2) Any person who gains access to information in the database through fraud or false
63 pretenses shall be guilty of a class [C] **D** felony.

64 8. Any pawnbroker licensed under section 367.043 shall meet the following
65 requirements:

66 (1) Provide all reportable data to appropriate users by transmitting it through the internet
67 to the database;

68 (2) Transmit all reportable data for one business day to the database prior to the end of
69 the following business day;

70 (3) Make available for on-site inspection to any appropriate law enforcement official,
71 upon request, paper copies of any pawn or purchase transaction documents.

72 9. If a reporting pawnbroker or permitted user discovers any error in the reportable data,
73 notice of such error shall be given to the database, which shall have a period of thirty days in
74 which to correct the error. Any reporting pawnbroker experiencing a computer malfunction
75 preventing the transmission of reportable data or receipt of search requests shall be allowed a
76 period of at least thirty but no more than sixty days to repair such malfunction, and during such
77 period such pawnbroker shall not be deemed to be in violation of this section if good faith efforts
78 are made to correct the malfunction. During the periods specified in this subsection, the
79 reporting pawnbroker and permitted user shall arrange an alternative method or methods by
80 which the reportable data shall be made available.

81 10. No reporting pawnbroker shall be obligated to incur any cost, other than internet
82 service costs, in preparing, converting, or delivering its reportable data to the database.

83 11. If the pawn ticket is lost, destroyed, or stolen, the pledgor may so notify the
84 pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged
85 goods have not previously been redeemed. Before delivering the pledged goods or issuing a new
86 pawn ticket, the pawnbroker shall require the pledgor to make a written affidavit of the loss,
87 destruction or theft of the ticket. The pawnbroker shall record on the written statement the
88 identifying information required, the date the statement is given, and the number of the pawn
89 ticket lost, destroyed, or stolen. The affidavit shall be signed by a notary public appointed by the
90 secretary of state pursuant to section 486.205 to perform notarial acts in this state.

367.045. 1. When the tangible personal property subject to the pawn or sales transaction
2 has been delivered or awarded to a claimant pursuant to section 367.044, and within ten business
3 days after a written demand for payment and notice is deposited by the pawnbroker as certified
4 or registered mail in the United States mail and addressed to the conveying customer, the
5 conveying customer fails to repay the pawnbroker the full amount incurred by the pawnbroker
6 in connection with such property and the procedure described in section 367.044, the conveying
7 customer shall have committed the crime of fraudulently pledging or selling misappropriated
8 property.

9 2. Fraudulently pledging or selling property is a class B misdemeanor if the amount
10 received by the conveying customer from the pawnbroker was less than fifty dollars.
11 Fraudulently pledging or selling property is a class A misdemeanor if the amount received by the
12 conveying customer from the pawnbroker was more than fifty dollars and less than one hundred
13 fifty dollars. Fraudulently pledging or selling property is a class [C] **D** felony if the amount
14 received by the conveying customer from the pawnbroker was one hundred fifty dollars or more.

374.210. 1. It is unlawful for any person in any investigation, examination, inquiry, or
2 other proceeding under this chapter, chapter 354, and chapters 375 to 385, to:

3 (1) Knowingly make or cause to be made a false statement upon oath or affirmation or
4 in any record that is submitted to the director or used in any proceeding under this chapter,
5 chapter 354, and chapters 375 to 385; or

6 (2) Make any false certificate or entry or memorandum upon any of the books or papers
7 of any insurance company, or upon any statement or exhibit offered, filed or offered to be filed
8 in the department, or used in the course of any examination, inquiry, or investigation under this
9 chapter, chapter 354 and chapters 375 to 385.

10 2. If a person does not appear or refuses to testify, file a statement, produce records, or
11 otherwise does not obey a subpoena as required by the director, the director may apply to the
12 circuit court of any county of the state or any city not within a county, or a court of another state
13 to enforce compliance. The court may:

14 (1) Hold the person in contempt;

15 (2) Order the person to appear before the director;

16 (3) Order the person to testify about the matter under investigation or in question;

17 (4) Order the production of records;

18 (5) Grant injunctive relief;

19 (6) Impose a civil penalty of up to fifty thousand dollars for each violation; and

20 (7) Grant any other necessary or appropriate relief. The director may also suspend,
21 revoke or refuse any license or certificate of authority issued by the director to any person who
22 does not appear or refuses to testify, file a statement, produce records, or does not obey a
23 subpoena.

24 3. This section does not preclude a person from applying to the circuit court of any
25 county of the state or any city not within a county for relief from a request to appear, testify, file
26 a statement, produce records, or obey a subpoena.

27 4. A person is not excused from attending, testifying, filing a statement, producing a
28 record or other evidence, or obeying a subpoena of the director under an action or proceeding
29 instituted by the director on the grounds that the required testimony, statement, record, or other
30 evidence, directly or indirectly, may tend to incriminate the individual or subject the individual
31 to a criminal fine, penalty, or forfeiture. If the person refuses to testify, file a statement, or
32 produce a record or other evidence on the basis of the individual's privilege against
33 self-incrimination, the director may apply to the circuit court of any county of the state or any
34 city not within a county to compel the testimony, the filing of the statement, the production of
35 the record, or the giving of other evidence. The testimony, record, or other evidence compelled

36 under such an order may not be used as evidence against the person in a criminal case, except
37 in a prosecution for perjury or contempt or otherwise failing to comply with the order.

38 5. If the director determines that a person has engaged, is engaging in, or has taken a
39 substantial step toward engaging in an act, practice or course of business constituting a violation
40 of this section, or a rule adopted or order issued pursuant thereto, or that a person has materially
41 aided or is materially aiding an act, practice, omission, or course of business constituting a
42 violation of this section or a rule adopted or order issued pursuant thereto, the director may issue
43 such administrative orders as authorized under section 374.046. A violation of subsection 1 of
44 this section is a level four violation under section 374.049. The director may also suspend or
45 revoke the license or certificate of authority of such person for any willful violation.

46 6. If the director believes that a person has engaged, is engaging in, or has taken a
47 substantial step toward engaging in an act, practice or course of business constituting a violation
48 of this section or a rule adopted or order issued pursuant thereto, or that a person has materially
49 aided or is materially aiding an act, practice, omission, or course of business constituting a
50 violation of this section or a rule adopted or order issued pursuant thereto, the director may
51 maintain a civil action for relief authorized under section 374.048. A violation of subsection 1
52 of this section is a level four violation under section 374.049.

53 7. Any person who knowingly engages in any act, practice, omission, or course of
54 business in violation of subsection 1 of this section is guilty of a class [D] E felony. If the
55 offender holds a license or certificate of authority under the insurance laws of this state, the court
56 imposing sentence shall order the department to revoke such license or certificate of authority.

57 8. The director may refer such evidence as is available concerning violations of this
58 section to the proper prosecuting attorney, who with or without a criminal reference, or the
59 attorney general under section 27.030, may institute the appropriate criminal proceedings.

60 9. Nothing in this section shall limit the power of the state to punish any person for any
61 conduct that constitutes a crime under any other state statute.

374.216. 1. A person commits the crime of filing a false insurance statement if he
2 prepares, makes, submits or files a financial report or statement with the department of insurance,
3 financial institutions and professional registration with the purpose to misrepresent the financial
4 condition of the company in whose behalf such report or statement is prepared, made, submitted
5 or filed. The crime shall require no mental state other than that specifically provided herein.

6 2. The crime of filing a false insurance statement is a class [C] D felony.

374.702. 1. No person shall engage in the bail bond business as a bail bond agent or a
2 general bail bond agent without being licensed as provided in sections 374.695 to 374.775.

3 2. No judge, attorney, court official, law enforcement officer, state, county, or municipal
4 employee who is either elected or appointed shall be licensed as a bail bond agent or a general
5 bail bond agent.

6 3. A licensed bail bond agent shall not execute or issue an appearance bond in this state
7 without holding a valid appointment from a general bail bond agent and without attaching to the
8 appearance bond an executed and prenumbered power of attorney referencing the general bail
9 bond agent or insurer.

10 4. A person licensed as an active bail bond agent shall hold the license for at least two
11 years prior to owning or being an officer of a licensed general bail bond agent.

12 5. A general bail bond agent shall not engage in the bail bond business:

13 (1) Without having been licensed as a general bail bond agent pursuant to sections
14 374.695 to 374.775; or

15 (2) Except through an agent licensed as a bail bond agent pursuant to sections 374.695
16 to 374.775.

17 6. A general bail bond agent shall not permit any unlicensed person to solicit or engage
18 in the bail bond business on the general bail bond agent's behalf, except for individuals who are
19 employed solely for the performance of clerical, stenographic, investigative, or other
20 administrative duties which do not require a license pursuant to sections 374.695 to 374.789.

21 7. Any person who is convicted of a violation of this section is guilty of a class A
22 misdemeanor. For any subsequent convictions, a person who is convicted of a violation of this
23 section is guilty of a class [D] E felony.

374.757. 1. Any agent licensed by sections 374.695 to 374.775 who intends to
2 apprehend any person in this state shall inform law enforcement authorities in the city or county
3 in which such agent intends such apprehension, before attempting such apprehension. Such
4 agent shall present to the local law enforcement authorities a certified copy of the bond and all
5 other appropriate paperwork identifying the principal and the person to be apprehended. Local
6 law enforcement may accompany the agent. Failure of any agent to whom this section applies
7 to comply with the provisions of this section shall be a class A misdemeanor for the first
8 violation and a class [D] E felony for subsequent violations; and shall also be a violation of
9 section 374.755 and may in addition be punished pursuant to that section.

10 2. The surety recovery agent shall inform the local law enforcement in the county or city
11 where such agent is planning to enter a residence. Such agent shall have a certified copy of the
12 bond and all appropriate paperwork to identify the principal. Local law enforcement, when
13 notified, may accompany the surety recovery agent to that location to keep the peace if an active
14 warrant is effective for a felony or misdemeanor. If a warrant is not active, the local law
15 enforcement officers may accompany the surety recovery agent to such location. Failure to

16 report to the local law enforcement agency is a class A misdemeanor. For any subsequent
17 violations, failure to report to the local law enforcement agency is a class [D] E felony.

374.789. 1. A person is guilty of a class [D] E felony if he or she does not hold a valid
2 surety recovery agent license or a bail bond license and commits any of the following acts:

- 3 (1) Holds himself or herself out to be a licensed surety recovery agent within this state;
- 4 (2) Claims that he or she can render surety recovery agent services; or
- 5 (3) Engages in fugitive recovery in this state.

6 2. Any person who engages in fugitive recovery in this state and wrongfully causes
7 damage to any person or property, including, but not limited to, unlawful apprehension, unlawful
8 detainment, or assault, shall be liable for such damages and may be liable for punitive damages.

375.310. 1. It is unlawful for any person, association of individuals, or any corporation
2 to transact in this state any insurance business unless the person, association, or corporation is
3 duly authorized by the director under a certificate of authority or appropriate licensure, or is an
4 insurance company exempt from certification under section 375.786.

5 2. If the director determines that a person has engaged, is engaging in, or has taken a
6 substantial step toward engaging in an act, practice or course of business constituting a violation
7 of this section or a rule adopted or order issued pursuant thereto, or that a person has materially
8 aided or is materially aiding an act, practice, omission, or course of business constituting a
9 violation of this section or a rule adopted or order issued pursuant thereto, the director may issue
10 such administrative orders as authorized under section 374.046. A violation of this section is a
11 level four violation under section 374.049.

12 3. If the director believes that a person has engaged, is engaging in, or has taken a
13 substantial step toward engaging in an act, practice or course of business constituting a violation
14 of this section or a rule adopted or order issued pursuant thereto, or that a person has materially
15 aided or is materially aiding an act, practice, omission, or course of business constituting a
16 violation of this section or a rule adopted or order issued pursuant thereto, the director may
17 maintain a civil action for relief authorized under section 374.048. A violation of this section
18 is a level four violation under section 374.049.

19 4. Any person who knowingly engages in any act, practice, omission, or course of
20 business in violation of this section is guilty of a class [D] E felony.

21 5. The director may refer such evidence as is available concerning violations of this
22 chapter to the proper prosecuting attorney, who with or without a criminal reference, or the
23 attorney general under section 27.030, may institute the appropriate criminal proceedings.

24 6. Nothing in this section shall limit the power of the state to punish any person for any
25 conduct that constitutes a crime under any other state statute.

375.537. 1. As used in this section, the following terms mean:

2 (1) "Chief executive officer", the person, irrespective of his title, designated by the board
3 of directors or trustees of an insurer as the person charged with the responsibility of
4 administering and implementing the insurer's policies and procedures;

5 (2) "Director", the director of the department of insurance, financial institutions and
6 professional registration;

7 (3) "Impaired", a financial situation in which the assets of an insurer are less than the
8 sum of the insurer's minimum required capital, minimum required surplus and all liabilities as
9 determined in accordance with the requirements for the preparation and filing of the annual
10 statement of an insurer;

11 (4) "Insurer", any insurance company or other insurer licensed to do business in this
12 state.

13 2. Whenever an insurer is impaired, its chief executive officer shall immediately notify
14 the director in writing of such impairment and shall also immediately notify in writing all of the
15 board of directors or trustees of the insurer.

16 3. Any officer, director or trustee of an insurer shall notify the person serving as chief
17 executive officer of the impairment of such insurer in the event such officer, director or trustee
18 knows or has reason to know that the insurer is impaired.

19 4. Any person who knowingly or recklessly violates subsection 2 or 3 of this section
20 shall, upon conviction thereof, be fined not more than fifty thousand dollars or be imprisoned
21 for not more than one year, or both. Any person who knowingly does any of the following shall
22 be guilty of a class [D] E felony:

23 (1) Conceals any property belonging to an insurer;

24 (2) Transfers or conceals in contemplation of a state insolvency proceeding his own
25 property or property belonging to an insurer;

26 (3) Conceals, destroys, mutilates, alters or makes a false entry in any document which
27 affects or relates to the property of an insurer or withholds any such document from a receiver,
28 trustee or other officer of a court entitled to its possession;

29 (4) Gives, obtains or receives a thing of value for acting or forbearing to act in any court
30 proceedings; and any such act or acts results in or contributes to an insurer's becoming impaired
31 or insolvent.

375.720. 1. Whenever, by this chapter, or by any other law of this state, the director is
2 authorized or required to take possession of any of the general assets of any insurer, it is unlawful
3 for any person or company to knowingly neglect or refuse to deliver to the director, on order or
4 demand of the director, any books, papers, evidences of title or debt, or any property belonging
5 to any such insurer in its, his or their possession, or under his, its or their control.

6 2. If the director determines that a person has engaged, is engaging in, or has taken a
7 substantial step toward engaging in an act, practice or course of business constituting a violation
8 of this section or a rule adopted or order issued pursuant thereto, or that a person has materially
9 aided or is materially aiding an act, practice, omission, or course of business constituting a
10 violation of this section or a rule adopted or order issued pursuant thereto, the director may issue
11 such administrative orders as authorized under section 374.046. A violation of this section is a
12 level three violation under section 374.049. The director may also suspend or revoke the license
13 or certificate of authority of such person for any willful violation.

14 3. If the director believes that a person has engaged, is engaging in, or has taken a
15 substantial step toward engaging in an act, practice or course of business constituting a violation
16 of this section or a rule adopted or order issued pursuant thereto, or that a person has materially
17 aided or is materially aiding an act, practice, omission, or course of business constituting a
18 violation of this section or a rule adopted or order issued pursuant thereto, the director may
19 maintain a civil action for relief authorized under section 374.048. A violation of this section
20 is a level three violation under section 374.049.

21 4. Any person who knowingly engages in any act, practice, omission, or course of
22 business in violation of this section is guilty of a class [C] **D** felony. If the offender holds a
23 license or certificate of authority under the insurance laws of this state, the court imposing
24 sentence shall order the director to revoke such license.

25 5. The director may refer such evidence as is available concerning violations of this
26 section to the proper prosecuting attorney, who with or without a criminal reference, or the
27 attorney general under section 27.030, may institute the appropriate criminal proceedings.

28 6. Nothing in this section shall limit the power of the state to punish any person for any
29 conduct that constitutes a crime under any other state statute.

375.786. 1. It is unlawful for any insurance company to transact insurance business in
2 this state, as set forth in subsection 2, without a certificate of authority from the director;
3 provided, however, that this section shall not apply to:

- 4 (1) The lawful transaction of insurance as provided in chapter 384;
- 5 (2) The lawful transaction of reinsurance by insurance companies;
- 6 (3) Transactions in this state involving a policy lawfully solicited, written and delivered
7 outside of this state covering only subjects of insurance not resident, located or expressly to be
8 performed in this state at the time of issuance, and which transactions are subsequent to the
9 issuance of such policy;
- 10 (4) Attorneys acting in the ordinary relation of attorney and client in the adjustment of
11 claims or losses;

12 (5) Transactions in this state involving group life and group sickness and accident or
13 blanket sickness and accident insurance or group annuities where the master policy of such
14 groups was lawfully issued and delivered in and pursuant to the laws of a state in which the
15 insurance company was authorized to do an insurance business, to a group organized for
16 purposes other than the procurement of insurance, and where the policyholder is domiciled or
17 otherwise has a bona fide situs;

18 (6) Transactions in this state involving any policy of insurance or annuity contract issued
19 prior to August 13, 1972;

20 (7) Transactions in this state relative to a policy issued or to be issued outside this state
21 involving insurance on vessels, craft or hulls, cargoes, marine builder's risk, marine protection
22 and indemnity or other risk, including strikes and war risks commonly insured under ocean or
23 wet marine forms of policy;

24 (8) Except as provided in chapter 384, transactions in this state involving contracts of
25 insurance issued to one or more industrial insureds; provided that nothing herein shall relieve an
26 industrial insured from taxation imposed upon independently procured insurance. An "industrial
27 insured" is hereby defined as an insured:

28 (a) Which procures the insurance of any risk or risks other than life, health and annuity
29 contracts by use of the services of a full-time employee acting as an insurance manager or buyer
30 or the services of an insurance producer whose services are wholly compensated by such insured
31 and not by the insurer;

32 (b) Whose aggregate annual premiums for insurance excluding workers' compensation
33 insurance premiums total at least one hundred thousand dollars; and

34 (c) Which has at least twenty-five full-time employees;

35 (9) Transactions in this state involving life insurance, health insurance or annuities
36 provided to educational or religious or charitable institutions organized and operated without
37 profit to any private shareholder or individual for the benefit of such institutions and individuals
38 engaged in the service of such institutions, provided that any company issuing such contracts
39 under this paragraph shall:

40 (a) File a copy of any policy or contract issued to Missouri residents with the director;

41 (b) File a copy of its annual statement prepared pursuant to the laws of its state of
42 domicile, as well as such other financial material as may be requested, with the director; and

43 (c) Provide, in such form as may be acceptable to the director, for the appointment of the
44 director as its true and lawful attorney upon whom may be served all lawful process in any action
45 or proceeding against such company arising out of any policy or contract it has issued to, or
46 which is currently held by, a Missouri citizen, and process so served against such company shall
47 have the same form and validity as if served upon the company;

48 (10) Transactions in this state involving accident, health, personal effects, liability or any
49 other travel or auto-related products or coverages provided or sold by a rental company after
50 January 1, 1994, to a renter in connection with and incidental to the rental of motor vehicles.

51 2. Any of the following acts in this state effected by mail or otherwise by or on behalf
52 of an unauthorized insurance company is deemed to constitute the transaction of an insurance
53 business in this state: (The venue of an act committed by mail is at the point where the matter
54 transmitted by mail is delivered and takes effect. Unless otherwise indicated, the term "insurance
55 company" as used in sections 375.786 to 375.790 includes all corporations, associations,
56 partnerships and individuals engaged as principals in the business of insurance and also includes
57 interinsurance exchanges and mutual benefit societies.)

58 (1) The making of or proposing to make an insurance contract;

59 (2) The making of or proposing to make, as guarantor or surety, any contract of guaranty
60 or suretyship as a vocation and not merely incidental to any other legitimate business or activity
61 of the guarantor or surety;

62 (3) The taking or receiving of any application for insurance;

63 (4) The receiving or collection of any premium, commission, membership fees,
64 assessments, dues or other consideration for any insurance or any part thereof;

65 (5) The issuance or delivery of contracts of insurance to residents of this state or to
66 persons authorized to do business in this state;

67 (6) Directly or indirectly acting as an agent for or otherwise representing or aiding on
68 behalf of another any person or insurance company in the solicitation, negotiation, procurement
69 or effectuation of insurance or renewals thereof or in the dissemination of information as to
70 coverage or rates, or forwarding of applications, or delivery of policies or contracts, or inspection
71 of risks, a fixing of rates or investigation or adjustment of claims or losses or in the transaction
72 of matters subsequent to effectuation of the contract and arising out of it, or in any other manner
73 representing or assisting a person or insurance company in the transaction of insurance with
74 respect to subjects of insurance resident, located or to be performed in this state. The provisions
75 of this subsection shall not operate to prohibit full-time salaried employees of a corporate insured
76 from acting in the capacity of an insurance manager or buyer in placing insurance in behalf of
77 such employer;

78 (7) The transaction of any kind of insurance business specifically recognized as
79 transacting an insurance business within the meaning of the statutes relating to insurance;

80 (8) The transacting or proposing to transact any insurance business in substance
81 equivalent to any of the foregoing in a manner designed to evade the provisions of the statutes.

82 3. (1) The failure of an insurance company transacting insurance business in this state
83 to obtain a certificate of authority shall not impair the validity of any act or contract of such

84 insurance company and shall not prevent such insurance company from defending any action at
85 law or suit in equity in any court of this state, but no insurance company transacting insurance
86 business in this state without a certificate of authority shall be permitted to maintain an action
87 in any court of this state to enforce any right, claim or demand arising out of the transaction of
88 such business until such insurance company shall have obtained a certificate of authority.

89 (2) In the event of failure of any such unauthorized insurance company to pay any claim
90 or loss within the provisions of such insurance contract, any person who assisted or in any
91 manner aided directly or indirectly in the procurement of such insurance contract shall be liable
92 to the insured for the full amount of the claim or loss in the manner provided by the provisions
93 of such insurance contract.

94 4. If the director determines that a person has engaged, is engaging in, or has taken a
95 substantial step toward engaging in an act, practice or course of business constituting a violation
96 of this section or a rule adopted or order issued pursuant thereto, or that a person has materially
97 aided or is materially aiding an act, practice, omission, or course of business constituting a
98 violation of this section or a rule adopted or order issued pursuant thereto, the director may issue
99 such administrative orders as authorized under section 374.046. A violation of this section is a
100 level four violation under section 374.049.

101 5. If the director believes that a person has engaged, is engaging in, or has taken a
102 substantial step toward engaging in an act, practice or course of business constituting a violation
103 of this section or a rule adopted or order issued pursuant thereto, or that a person has materially
104 aided or is materially aiding an act, practice, omission, or course of business constituting a
105 violation of this section or a rule adopted or order issued pursuant thereto, the director may
106 maintain a civil action for relief authorized under section 374.048. A violation of this section
107 is a level four violation under section 374.049.

108 6. Any person who transacts insurance business without a certificate of authority, as
109 provided in this section, is guilty of a class [C] **D** felony.

110 7. The director may refer such evidence as is available concerning violations of this
111 chapter to the proper prosecuting attorney, who with or without a criminal reference, or the
112 attorney general under section 27.030, may institute the appropriate criminal proceedings.

113 8. Nothing in this section shall limit the power of the state to punish any person for any
114 conduct that constitutes a crime in any other state statute.

375.991. 1. As used in sections 375.991 to 375.994, the term "statement" means any
2 communication, notice statement, proof of loss, bill of lading, receipt for payment, invoice,
3 account, estimate of damages, bills for services, diagnosis, prescription, hospital or doctor
4 records, x-rays, test results or other evidence of loss, injury or expense.

5 2. For the purposes of sections 375.991 to 375.994, a person commits a "fraudulent
6 insurance act" if such person knowingly presents, causes to be presented, or prepares with
7 knowledge or belief that it will be presented, to or by an insurer, purported insurer, broker, or any
8 agent thereof, any oral or written statement including computer generated documents as part of,
9 or in support of, an application for the issuance of, or the rating of, an insurance policy for
10 commercial or personal insurance, or a claim for payment or other benefit pursuant to an
11 insurance policy for commercial or personal insurance, which such person knows to contain
12 materially false information concerning any fact material thereto or if such person conceals, for
13 the purpose of misleading another, information concerning any fact material thereto.

14 3. A "fraudulent insurance act" shall also include but not be limited to knowingly filing
15 false insurance claims with an insurer, health services corporation, or health maintenance
16 organization by engaging in any one or more of the following false billing practices:

17 (1) "Unbundling", an insurance claim by claiming a number of medical procedures were
18 performed instead of a single comprehensive procedure;

19 (2) "Upcoding", an insurance claim by claiming that a more serious or extensive
20 procedure was performed than was actually performed;

21 (3) "Exploding", an insurance claim by claiming a series of tests was performed on a
22 single sample of blood, urine, or other bodily fluid, when actually the series of tests was part of
23 one battery of tests; or

24 (4) "Duplicating", a medical, hospital or rehabilitative insurance claim made by a health
25 care provider by resubmitting the claim through another health care provider in which the
26 original health care provider has an ownership interest.

27

28 Nothing in sections 375.991 to 375.994 shall prohibit providers from making good faith efforts
29 to ensure that claims for reimbursement are coded to reflect the proper diagnosis and treatment.

30 4. If, by its own inquiries or as a result of complaints, the department of insurance,
31 financial institutions and professional registration has reason to believe that a person has engaged
32 in, or is engaging in, any fraudulent insurance act or has violated any provision of chapters 375
33 to 385, it may administer oaths and affirmations, serve subpoenas ordering the attendance of
34 witnesses or proffering of matter, and collect evidence. The director may refer such evidence
35 as is available concerning violations of this chapter to the proper prosecuting attorney or circuit
36 attorney who may, with or without such reference, initiate the appropriate criminal proceedings.

37 5. If the matter that the department of insurance, financial institutions and professional
38 registration seeks to obtain by request is located outside the state, the person so requested may
39 make it available to the department or its representative to examine the matter at the place where
40 it is located. The department may designate representatives, including officials of the state in

41 which the matter is located, to inspect the matter on its behalf, and it may respond to similar
42 requests from officials of other states.

43 6. A fraudulent insurance act for a first offense is a class [D] E felony. Any person who
44 pleads guilty to or is found guilty of a fraudulent insurance act who has previously pled guilty
45 to or has been found guilty of a fraudulent insurance act shall be guilty of a class [C] D felony.

46 7. Any person who pleads guilty or is found guilty of a fraudulent insurance act shall be
47 ordered by the court to make restitution to any person or insurer for any financial loss sustained
48 as a result of such violation. The court shall determine the extent and method of restitution.

49 8. Nothing in this section shall limit the power of the state to punish any person for any
50 conduct that constitutes a crime by any other state statute.

375.1176. 1. An order to liquidate the business of a domestic insurer shall appoint the
2 director and his successors as liquidator and shall direct the liquidator forthwith to take
3 immediate possession of the assets of the insurer and to administer them subject to the
4 supervision of the court until the liquidator is discharged by the court. The liquidation of any
5 insurer shall be considered to be the business of insurance for purposes of application of any law
6 of this state. The liquidator shall be vested by operation of law with the title to all of the
7 property, contracts and rights of action, and all of the books and records of the insurer ordered
8 liquidated, wherever located, as of the entry of the order of liquidation. The order shall require
9 the liquidator to take immediate possession of and to secure all of the records and property of the
10 insurer wherever it is located, and to take all measures necessary to preserve the integrity of the
11 insurer's records. The filing or recording of the order with the clerk of the court and the recorder
12 of deeds of the county in which its principal office or place of business is located or, in the case
13 of real estate, with the recorder of deeds of the county where the property is located, shall impart
14 the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that
15 recorder of deeds would have imparted.

16 2. With the approval of the court, the director as liquidator may appoint a special deputy
17 or deputies to act for him under sections 375.1175 to 375.1230. The special deputy shall not be
18 an employee of the department of insurance, financial institutions and professional registration.
19 The special deputy shall have all powers of the liquidator granted by sections 375.1175 to
20 375.1230. The special deputy shall administer and liquidate the insolvent insurer subject to the
21 general supervision of the director and the specific supervision of the court as provided in
22 sections 375.1175 to 375.1230.

23 3. Upon issuance of the order of liquidation, the rights and liabilities of any such insurer
24 and of its creditors, policyholders, shareholders, members and any other persons interested in its
25 estate shall become fixed and the termination of any period fixed by any statute of limitations
26 provided by law shall be suspended as of the date of entry of the order of liquidation, except as

27 provided in sections 375.1178, 375.1206 and 375.1210. Rights of shareholders provided by any
28 law other than as provided by sections 375.1150 to 375.1246 shall be suspended upon issuance
29 of the order of liquidation.

30 4. An order to liquidate the business of an alien insurer domiciled in this state shall be
31 in the same terms and have the same legal effect as an order to liquidate a domestic insurer,
32 except that the assets and the business in the United States shall be the only assets and business
33 included therein.

34 5. At the time of petitioning for an order of liquidation, or at any time thereafter, the
35 director, after making determination of an insurer's insolvency, may petition the court for a
36 judicial declaration of such insolvency. After providing such notice and hearing as it deems
37 proper, the court may make the declaration.

38 6. (1) Any order issued under this section shall require periodic financial reports to the
39 court by the liquidator. Financial reports shall include, at a minimum, the assets and liabilities
40 of the insurer and all funds received or disbursed by the liquidator during the current period.
41 Financial reports shall be filed within one year of the liquidation order and at least annually
42 thereafter.

43 (2) After an order of liquidation has been entered, the liquidator of such insurer shall file
44 with the director a statement which shall reflect the claims reserves, including losses incurred
45 but not reported, and unearned premium reserves which have been established by the liquidator
46 and which shall also set forth the amounts of such reserves that are allocable to particular
47 reinsurers of the insolvent company. A similar statement shall be filed by each liquidator not
48 less frequently than annually and shall be considered for all intents and purposes as the annual
49 statement which was required to be filed by the insurer with the director prior to the liquidation
50 proceedings. To the extent that any reinsurer of an insurer in liquidation would have been
51 required under any agreement pertaining to reinsurance to post letters of credit or other security
52 prior to an order of liquidation to cover such reserves reflected upon a statement filed with a
53 regulatory authority, such reinsurer shall be required to post letters of credit or other security to
54 cover such reserves after an insurer has been placed in liquidation. If a reinsurer shall fail to post
55 letters of credit or other security required by a reinsurance agreement or the provisions of this
56 section, the director may issue an order barring such reinsurer from thereafter reinsuring any
57 insurer which is incorporated under the laws of the state of Missouri.

58 7. (1) Within five days after the initiation of an appeal of an order of liquidation, the
59 liquidator shall present for the court's approval a plan for the continued performance of the
60 defendant company's policy claims obligations, including the duty to defend insureds under
61 liability insurance policies, during the pendency of an appeal. Such plan shall provide for the
62 continued performance and payment of policy claims obligations in the normal course of events,

63 notwithstanding the grounds alleged in support of the order of liquidation including the ground
64 of insolvency. In the event the defendant company's financial condition, in the judgment of the
65 liquidator, will not support the full performance of all policy claims obligations during the appeal
66 pendency period, the plan may prefer the claims of certain policyholders and claimants over
67 creditors and interested parties as well as other policyholders and claimants, as the liquidator
68 finds to be fair and equitable considering the relative circumstances of such policyholders and
69 claimants. The court shall examine the plan submitted by the liquidator and if it finds the plan
70 to be in the best interests of the parties, the court shall approve the plan. No action shall lie
71 against the liquidator or any of his deputies, agents, clerks, assistants or attorneys by any party
72 based on preference in an appeal pendency plan approved by the court.

73 (2) The appeal pendency plan shall not supersede or affect the obligations of any
74 insurance guaranty association.

75 (3) Any such plans shall provide for equitable adjustments to be made by the liquidator
76 to any distributions of assets to guaranty associations, in the event that the liquidator pays claims
77 from assets of the estate, which would otherwise be the obligations of any particular guaranty
78 association but for the appeal of the order of liquidation, such that all guaranty associations
79 equally benefit on a pro rata basis from the assets of the estate. Further, in the event an order of
80 liquidation is set aside upon any appeal, the company shall not be released from delinquency
81 proceedings unless and until all funds advanced by any guaranty association, including
82 reasonable allocated loss adjustment expenses in connection therewith relating to obligations of
83 the company, shall be repaid in full, together with interest at the judgment rate of interest or
84 unless an arrangement for repayment thereof has been made with the consent of all applicable
85 guaranty associations.

86 8. Any person who shall knowingly destroy, conceal, convert or alter any records or
87 property of an insurer after entry of an order of liquidation, without having received prior written
88 permission of the liquidator or of the court, or who shall knowingly neglect or refuse, upon the
89 order or demand of the liquidator, to deliver to the liquidator any records or property of an
90 insurer in his possession or control, shall be guilty of a class [C] D felony.

375.1287. 1. A notice of transfer regarding an assumption reinsurance agreement shall
2 be provided to the policyholders of a transferring insurer in the following manner:

3 (1) The transferring insurer shall provide or cause to be provided to each policyholder
4 a notice of transfer by first class mail, addressed to the policyholder's last known address or to
5 the address to which premium notices or other policy documents are sent or, with respect to
6 home service business, by personal delivery with acknowledged receipt. A notice of transfer
7 shall also be sent to the transferring insurer's agents and brokers of record on the affected
8 policies;

9 (2) The notice of transfer shall state or provide:

10 (a) The date on which the transfer and novation of the policyholder's contract of
11 insurance is proposed to take place;

12 (b) The name and addresses and telephone numbers of the transferring insurer and
13 assuming insurer;

14 (c) That the policyholder has the right to either consent to or reject the transfer and
15 novation;

16 (d) The procedures and time limit for consenting to or rejecting the transfer and
17 novation;

18 (e) A summary of any effect that consenting to or rejecting the transfer and novation will
19 have on the policyholder's rights;

20 (f) A statement that the assuming insurer is licensed to write the type of business being
21 assumed in the state where the policyholder resides, or is otherwise authorized, as provided
22 herein, to assume such business;

23 (g) The name and address of the person at the transferring insurer to whom the
24 policyholder should send its written statement of acceptance or rejection of the transfer and
25 novation;

26 (h) The address and phone number of the insurance department where the policyholder
27 resides so that the policyholder may write or call its insurance department for further information
28 regarding the financial condition of the assuming insurer; and

29 (i) The following financial data for both companies:

30 a. Ratings for the last five years if available or for such lesser period as is available from
31 two nationally recognized insurance rating services acceptable to the director including the rating
32 service's explanation of the rating's meaning. If ratings are unavailable for any year of the
33 five-year period, this shall also be disclosed;

34 b. A balance sheet as of December thirty-first for the previous three years if available or
35 for such lesser period as is available and as of the date of the most recent quarterly statement;

36 c. A copy of the management's discussion and analysis that was filed as a supplement
37 to the previous year's annual statement; and

38 d. An explanation of the reason for the transfer;

39 (3) Notice in a form identical or substantially similar to the following, or as specified by
40 the director of the department of insurance, financial institutions and professional registration
41 by regulation, shall be deemed to comply with the requirements of this subsection:

42 (FIRST, SECOND OR THIRD AND FINAL)

43 NOTICE OF TRANSFER

44 IMPORTANT: THIS NOTICE AFFECTS YOUR CONTRACT RIGHTS. PLEASE READ
45 IT CAREFULLY.

46 TRANSFER OF POLICY

47 The (name of assuming insurance company) has agreed to replace us as your insurer under (insert
48 policy/certificate name and number) effective (insert date). The (assuming insurance company's)
49 principal place of business is (insert address) and certain financial information concerning both
50 companies are attached, including: (1) ratings for the last five years if available or for such lesser
51 period as is available from two nationally recognized insurance rating services; (2) balance sheets
52 for the previous three years if available or for such lesser period as is available and as of a date
53 no later than ninety days prior to the current date; (3) a copy of the management's discussion and
54 analysis that was filed as a supplement to the previous year's annual statement; and (4) an
55 explanation of the reason for the transfer. You may obtain additional information concerning
56 (name of assuming insurance company) from reference materials in your local library or by
57 contacting your state insurance director at (insert address). The (name of assuming insurance
58 company) is licensed to write this coverage in your state.

59 Your Rights

60 You may choose to accept or reject the transfer of your policy to (name of assuming insurance
61 company). If you want your policy transferred, you must notify us in writing immediately by
62 signing and returning the enclosed preaddressed, postage-paid or by writing to us at: (Insert
63 name, address and facsimile number of contact person.) Payment of your premiums to the
64 assuming company will also constitute acceptance of the transaction. However, a method will
65 be provided to allow you to pay the premium while reserving the right to reject the transfer. If
66 you reject the transfer, you may keep your policy with us or exercise any option under your
67 policy. If we do not receive a written rejection from you within thirty months of our first notice
68 of transfer, (insert date of initial mailing), you will, as a matter of law, have consented to the
69 transfer. However, before this consent is final, you will be provided a second notice, twelve
70 months after our first notice, and a third and final notice, twenty-four months after our first
71 notice. After the third and final notice is provided, you will have only six months to reply. If
72 you have paid your premium to (the assuming insurance company) without reserving your right
73 to reject the transfer, you will not receive a subsequent notice.

74 Effect of Transfer

75 If you accept this transfer, (name of assuming insurance company) will be your insurer. It will
76 have direct responsibility to you for the payment of all claims, benefits and for all other policy
77 obligations. We will no longer have any obligations to you. If you accept this transfer, you
78 should make all premium payments and claims submissions to (name of assuming insurance
79 company) and direct all questions to (name of assuming insurance company). If you have any

80 further questions about this agreement, you may contact (name of transferring insurance
81 company) or (name of assuming insurance company).

82 Sincerely,.....

83 (Name of Transferring	(Name of Assuming
84 Insurance Company	Insurance Company
85 Address	Address
86 Telephone Number)	Telephone Number)

87 For your convenience, we have enclosed a preaddressed postage-paid response card. Please take
88 time now to read the enclosed notice and complete and return the response card to us.

89 (Notice Date)

90 RESPONSE CARD

91 Yes, I accept the transfer of my policy from (name of transferring company) to (name of
92 assuming company).

93 No, I reject the proposed transfer of my policy from (name of transferring company) to
94 (name of assuming company) and wish to retain my policy with (name of transferring company).

95 (Date) (Signature)

96 Name:

97 Street Address:

98 City, State, Zip:

99 (4) The notice to transfer shall include a preaddressed, postage-paid response card which
100 a policyholder may return as its written statement of acceptance or rejection of the transfer and
101 novation;

102 (5) The notice of transfer proposed to be used shall be filed as part of the prior approval
103 requirement set forth below in subdivision (1) of subsection 2 of this section.

104 2. (1) Prior approval by the director is required for any transaction where an insurer
105 domiciled in this state assumes or transfers obligations or risks on contracts of insurance under
106 an assumption reinsurance agreement. No insurer licensed in this state shall transfer obligations
107 or risks on contracts of insurance owned by policyholders residing in this state to any insurer that
108 is not licensed in this state. An insurer domiciled in this state shall not assume obligations or
109 risks on contracts of insurance owned by policyholders residing in any other state unless it is
110 licensed in the other state, or the insurance regulatory official of that state has approved such
111 assumption in writing;

112 (2) Any licensed foreign insurer that enters into an assumption reinsurance agreement,
113 which transfers the obligations or risks on contracts of insurance owned by policyholders
114 residing in this state, shall file or cause to be filed the assumption certificate with the director of
115 the department of insurance, financial institutions and professional registration of this state, a

116 copy of the notice of transfer, and an affidavit that the transaction is subject to substantially
117 similar requirements in the state of domicile of both the transferring and assuming insurer;

118 (3) Any licensed foreign insurer that enters into an assumption reinsurance agreement,
119 which transfers the obligations or risks on contracts of insurance owned by policyholders
120 residing in this state, shall obtain the prior approval of the director of the department of
121 insurance, financial institutions and professional registration of this state and shall be subject to
122 all other requirements of sections 375.1280 to 375.1295 unless the transferring and assuming
123 insurers are subject to assumption reinsurance requirements adopted by statute or regulation in
124 the jurisdiction of their domicile which are substantially similar to sections 375.1280 to
125 375.1295;

126 (4) No insurer required to receive approval of assumption reinsurance transactions under
127 this section shall enter into an assumption reinsurance transaction until:

128 (a) Thirty days after the director has received a request for approval and has not within
129 such period disapproved such transaction; or

130 (b) The director shall have approved the transaction within the thirty-day period;

131 (5) The following factors, along with such other factors as the director deems appropriate
132 under the circumstances, shall be considered by the director in reviewing the request for
133 approval:

134 (a) The financial condition of the transferring and assuming insurer and the effect the
135 transaction will have on the financial condition of each company;

136 (b) The competence, experience and integrity of those persons who control the operation
137 of the assuming insurer;

138 (c) The plans or proposals the assuming party has with respect to the administration of
139 the policies subject to the proposed transfer;

140 (d) Whether the transfer is fair and reasonable to the policyholders of both companies;

141 (e) Whether the notice of transfer to be provided by the insurer is fair, adequate and not
142 misleading; and

143 (f) Whether the transfer lessens competition or restrains trade.

144 3. Any officer, director or stockholder of any insurer violating or consenting to the
145 violation of any provision of subsection 2 of this section is guilty of a class [D] E felony.

375.1312. 1. As used in this section, the following terms mean:

2 (1) "Domestic violence"[, the occurrence of stalking or one or more of the following acts
3 between family or household members:

4 (a) Attempting to cause or intentionally or knowingly causing bodily injury or physical
5 harm;

6 (b) Knowingly engaging in a course of conduct or repeatedly committing acts toward
7 another person under circumstances that place the person in reasonable fear of bodily injury or
8 physical harm; or

9 (c) Knowingly committing forcible rape, sexual assault or forcible sodomy, as defined
10 in chapter 566;

11 (2) "Family or household member", spouses, former spouses, adults related by blood or
12 marriage, adults who are presently residing together or have resided together in the past and
13 adults who have a child in common regardless of whether they have been married or have resided
14 together at any time] **and "family" or "household member", as such terms are defined in**
15 **section 455.010;**

16 [(3)] (2) "Innocent coinsured", an insured who did not cooperate in or contribute to the
17 creation of a property loss and the loss arose out of a pattern of domestic violence;

18 [(4)] (3) "Sole", a single act or a pattern of domestic violence which may include
19 multiple acts[;

20 (5) "Stalking", when an adult purposely and repeatedly harasses or follows with the
21 intent of harassing another adult. As used in this subdivision, "harasses" means to engage in a
22 course of conduct directed at a specific adult that serves no legitimate purpose, that would cause
23 a reasonable adult to suffer substantial emotional distress. As used in this subdivision, "course
24 of conduct" means a pattern of conduct composed of a series of acts over a period of time,
25 however short, evidencing a continuity of purpose. Constitutionally protected activity is not
26 included within the meaning of "course of conduct"].

27 2. No insurer shall do any of the following on the sole basis of the status of an insured
28 or prospective insured as a victim of domestic violence:

29 (1) Deny, cancel or refuse to issue or renew an insurance policy;

30 (2) Require a greater premium, deductible or any other payment;

31 (3) Exclude or limit coverage for losses or deny a claim;

32 (4) Designate domestic violence as a preexisting condition for which coverage will be
33 denied or reduced;

34 (5) Terminate group coverage solely because of claims relating to the fact that any
35 individual in the group is or has been a victim of domestic violence; or

36 (6) Fix any lower rate or discriminate in the fees or commissions of an agent for writing
37 or renewing a policy insuring an individual solely because an individual is or has been a victim
38 of domestic violence.

39 3. The fact that an insured or prospective insured has been a victim of domestic violence
40 shall not be considered a permitted underwriting or rating criterion.

41 4. Nothing in this section shall prohibit an insurer from taking an action described in
42 subsection 2 of this section if the action is otherwise permissible by law and is taken in the same
43 manner and to the same extent with respect to all insureds and prospective insureds without
44 regard to whether the insured or prospective insured is a victim of domestic violence.

45 5. If an innocent coinsured files a police report and completes a sworn affidavit for the
46 insurer that indicates both the cause of the loss and a pledge to cooperate in any criminal
47 prosecution of the person committing the act causing the loss, then no insurer shall deny payment
48 to an innocent coinsured on a property loss claim due to any policy provision that excludes
49 coverage for intentional acts. Payment to the innocent coinsured may be limited to such innocent
50 coinsured's ownership interest in the property as reduced by any payment to a mortgagor or other
51 secured interest; however, insurers shall not be required to make any subsequent payment to any
52 other insured for the part of any loss for which the innocent coinsured has received payment. An
53 insurer making payment to an insured shall have all rights of subrogation to recover against the
54 perpetrator of the loss.

55 6. A violation of this section shall be subject to the provisions of sections 375.930 to
56 375.948, relating to unfair trade practices.

 380.391. 1. It is unlawful for any officer, director, member, agent or employee of any
2 company operating under the provisions of sections 380.201 to 380.611 to directly or indirectly
3 use or employ, or permit others to use or employ, any of the money, funds or securities of the
4 company for private profit or gain.

5 2. Any person who willfully engages in any act, practice, omission, or course of business
6 in violation of this section is guilty of a class [D] E felony.

7 3. The director may refer such evidence as is available concerning violations of this
8 section to the proper prosecuting attorney, who with or without a criminal reference, or the
9 attorney general under section 27.030, may institute the appropriate criminal proceedings.

10 4. Nothing in this section shall limit the power of the state to punish any person for any
11 conduct that constitutes a crime in any other state statute.

 382.275. Any officer, director, or employee of an insurance holding company system
2 who knowingly subscribes to or makes or causes to be made any false statements or false reports
3 or false filings with the intent to deceive the director in the performance of his duties under this
4 chapter, upon conviction thereof, shall be guilty of a class [D] E felony. Any fines imposed shall
5 be paid by the officer, director, or employee in his individual capacity.

 389.653. 1. Any person who commits the following acts shall be deemed guilty of a
2 "trespass to railroad property":

3 (1) Throwing an object at a railroad train or rail-mounted work equipment; or

4 (2) Maliciously or wantonly causing in any manner the derailment of a railroad train,
5 railroad car or rail-mounted work equipment.

6 2. Any person committing a trespass to railroad property pursuant to this section shall
7 be deemed guilty of a class A misdemeanor.

8 3. Notwithstanding subsection 2 of this section, any person committing a trespass to
9 railroad property pursuant to this section resulting in the damage or destruction of railroad
10 property in an amount exceeding one thousand five hundred dollars or resulting in the injury or
11 death of any person shall be deemed guilty of a class [D] E felony.

12 4. Notwithstanding subsection 2 of this section, any person committing a trespass to
13 railroad property pursuant to this section who discharges a firearm or a weapon at a railroad train
14 or rail-mounted work equipment shall be deemed guilty of a class [D] E felony.

15 5. Nothing in this section shall be construed to interfere with either the lawful use of a
16 public or private railroad crossing, or as limiting a representative of a labor organization which
17 represents or is seeking to represent the employees of the railroad, from conducting such business
18 as provided by the Railway Labor Act.

19 6. As used in this section, "railroad property" includes, but is not limited to, any train,
20 locomotive, railroad car, caboose, rail-mounted work equipment, rolling stock, work equipment,
21 safety device, switch, electronic signal, microwave communication equipment, connection,
22 railroad track, rail, bridge, trestle, right-of-way or any other property owned, leased, operated or
23 possessed by a railroad.

407.020. 1. The act, use or employment by any person of any deception, fraud, false
2 pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or
3 omission of any material fact in connection with the sale or advertisement of any merchandise
4 in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in
5 section 407.453, in or from the state of Missouri, is declared to be an unlawful practice. The use
6 by any person, in connection with the sale or advertisement of any merchandise in trade or
7 commerce or the solicitation of any funds for any charitable purpose, as defined in section
8 407.453, in or from the state of Missouri of the fact that the attorney general has approved any
9 filing required by this chapter as the approval, sanction or endorsement of any activity, project
10 or action of such person, is declared to be an unlawful practice. Any act, use or employment
11 declared unlawful by this subsection violates this subsection whether committed before, during
12 or after the sale, advertisement or solicitation.

13 2. Nothing contained in this section shall apply to:

14 (1) The owner or publisher of any newspaper, magazine, publication or printed matter
15 wherein such advertisement appears, or the owner or operator of a radio or television station

16 which disseminates such advertisement when the owner, publisher or operator has no knowledge
17 of the intent, design or purpose of the advertiser; or

18 (2) Any institution, company, or entity that is subject to chartering, licensing, or
19 regulation by the director of the department of insurance, financial institutions and professional
20 registration under chapter 354 or chapters 374 to 385, the director of the division of credit unions
21 under chapter 370, or director of the division of finance under chapters 361 to 369, or chapter
22 371, unless such directors specifically authorize the attorney general to implement the powers
23 of this chapter or such powers are provided to either the attorney general or a private citizen by
24 statute.

25 3. Any person who willfully and knowingly engages in any act, use, employment or
26 practice declared to be unlawful by this section with the intent to defraud shall be guilty of a
27 class [D] E felony.

28 4. It shall be the duty of each prosecuting attorney and circuit attorney in their respective
29 jurisdictions to commence any criminal actions under this section, and the attorney general shall
30 have concurrent original jurisdiction to commence such criminal actions throughout the state
31 where such violations have occurred.

32 5. It shall be an unlawful practice for any long-term care facility, as defined in section
33 660.600, except a facility which is a residential care facility or an assisted living facility, as
34 defined in section 198.006, which makes, either orally or in writing, representation to residents,
35 prospective residents, their families or representatives regarding the quality of care provided, or
36 systems or methods utilized for assurance or maintenance of standards of care to refuse to
37 provide copies of documents which reflect the facility's evaluation of the quality of care, except
38 that the facility may remove information that would allow identification of any resident. If the
39 facility is requested to provide any copies, a reasonable amount, as established by departmental
40 rule, may be charged.

41 6. Any long-term care facility, as defined in section 660.600, which commits an unlawful
42 practice under this section shall be liable for damages in a civil action of up to one thousand
43 dollars for each violation, and attorney's fees and costs incurred by a prevailing plaintiff, as
44 allowed by the circuit court.

407.095. 1. Whenever it appears to the attorney general that a person has engaged in,
2 is engaging in or is about to engage in any method, act, use, practice or solicitation declared to
3 be unlawful by any provision of this chapter, he may issue and cause to be served upon such
4 person, and any other person or persons concerned with or who, in any way, have participated,
5 are participating or are about to participate in such unlawful method, act, use, practice or
6 solicitation, an order prohibiting such person or persons from engaging or continuing to engage
7 in such unlawful method, act, use, practice or solicitation. Such order shall not be issued until

8 the attorney general has notified each person who will be subject to such order of the statutory
9 section which such person is alleged to have violated, be violating or be about to violate, and the
10 nature of the method, act, use, practice or solicitation which is the basis of such alleged violation.
11 The person to whom such notice is given shall have two business days from the receipt of such
12 notice to file an answer to such notice with the attorney general before the order authorized by
13 this subsection may be issued.

14 2. All orders issued by the attorney general under subsection 1 of this section shall be
15 signed by the attorney general or, in the event of his absence, his duly authorized representative,
16 and shall be served in the manner provided in section 407.040, for the service of civil
17 investigative demands and shall expire of their own force ten days after being served.

18 3. Any person who has been duly served with an order issued under subsection 1 of this
19 section and who willfully and knowingly violates any provision of such order while such order
20 remains in effect, either as originally issued or as modified, is guilty of a class [D] E felony. The
21 attorney general shall have original jurisdiction to commence all criminal actions necessary to
22 enforce this section.

407.420. Any person willfully violating any of the provisions of section 407.405 is guilty
2 of a class [D] E felony. It shall be the duty of each prosecuting attorney and circuit attorney in
3 their respective jurisdictions to commence any criminal actions under this section, and the
4 attorney general shall have concurrent original jurisdiction to commence such criminal actions
5 throughout the state where such violations have occurred.

407.436. 1. Any person who willfully and knowingly, and with the intent to defraud,
2 engages in any practice declared to be an unlawful practice in sections 407.430 to 407.436 of this
3 credit user protection law shall be guilty of a class [D] E felony.

4 2. The violation of any provision of sections 407.430 to 407.436 of this credit user
5 protection law constitutes an unlawful practice pursuant to sections 407.010 to 407.130, and the
6 violator shall be subject to all penalties, remedies and procedures provided in sections 407.010
7 to 407.130. The attorney general shall have all powers, rights, and duties regarding violations
8 of sections 407.430 to 407.436 as are provided in sections 407.010 to 407.130, in addition to
9 rulemaking authority as provided in section 407.145.

407.521. 1. A person commits the crime of odometer fraud in the second degree if he,
2 with the intent to defraud disconnects, resets, or alters the odometer of any motor vehicle with
3 the intent to change the number of miles indicated thereon.

4 2. The disconnection, resetting, or altering of any odometer while in the possession of
5 the person shall be prima facie evidence of intent to defraud.

6 3. Odometer fraud in the second degree is a class [D] E felony.

407.536. 1. Any person transferring ownership of a motor vehicle previously titled in this or any other state shall do so by assignment of title and shall place the mileage registered on the odometer at the time of transfer above the signature of the transferor. The signature of the transferor below the mileage shall constitute an odometer mileage statement. The transferee shall sign such odometer mileage statement before an application for certificate of ownership may be made. If the true mileage is known to the transferor to be different from the number of miles shown on the odometer or the true mileage is unknown, a statement from the transferor shall accompany the assignment of title which shall contain all facts known by the transferor concerning the true mileage of the motor vehicle. That statement shall become a part of the permanent record of the motor vehicle with the Missouri department of revenue. The department of revenue shall place on all new titles issued after September 28, 1977, a box titled "mileage at the time of transfer".

2. Any person transferring the ownership of a motor vehicle previously untitled in this or any other state to another person shall give an odometer mileage statement to the transferee. The statement shall include above the signature of the transferor and transferee the cumulative mileage registered on the odometer at the time of transfer. If the true mileage is known to the transferor to be different from the number of miles shown on the odometer or the true mileage is unknown, a statement from the transferor shall accompany the assignment of title which shall contain all facts known by the transferor concerning the true mileage of the motor vehicle. That statement shall become a permanent part of the records of the Missouri department of revenue.

3. If, upon receiving an application for registration or for a certificate of ownership of a motor vehicle, the director of revenue has credible evidence that the odometer reading provided by a transferor is materially inaccurate, he may place an asterisk on the face of the title document issued by the Missouri department of revenue, provided that the process required thereby does not interfere with his obligations under subdivision (2) of subsection 3 of section 301.190. The asterisk shall refer to a statement on the face and at the bottom of the title document which shall read as follows: "This may not be the true and accurate mileage of this motor vehicle. Consult the documents on file with the Missouri department of revenue for an explanation of the inaccuracy." Nothing in this section shall prevent any person from challenging the determination by the director of revenue in the circuit courts of the state of Missouri. The burden of proof shall be on the director of the department of revenue in all such proceedings.

4. The mileage disclosed by the odometer mileage statement for a new or used motor vehicle as described in subsections 1 and 2 of this section shall be placed by the transferor on any title or document evidencing ownership. Additional statements shall be placed on the title document as follows:

36 (1) If the transferor states that to the best of his knowledge the mileage disclosed is the
37 actual mileage of the motor vehicle, an asterisk shall follow the mileage on the face of the title
38 or document of ownership issued by the Missouri department of revenue. The asterisk shall
39 reference to a statement on the face and bottom of the title document which shall read as follows:
40 "Actual Mileage".

41 (2) Where the transferor has submitted an explanation why this mileage is incorrect, an
42 asterisk shall follow the mileage on the face of the title or document of ownership issued by the
43 Missouri department of revenue. The asterisk shall reference to a statement on the face and at
44 the bottom of the title document which shall read as follows: "This is not the true and accurate
45 mileage of this motor vehicle. Consult the documents on file with the Missouri department of
46 revenue for an explanation of the inaccuracy." Further wording shall be included as follows:

47 (a) If the transferor states that the odometer reflects the amount of mileage in excess of
48 the designed mechanical odometer limit, the above statement on the face of the title document
49 shall be followed by the words: "Mileage exceeds the mechanical limits";

50 (b) If the transferor states that the odometer reading differs from the mileage and that the
51 difference is greater than that caused by odometer calibration error and the odometer reading
52 does not reflect the actual mileage and should not be relied upon, the above statement on the face
53 of the title document shall be preceded by the words: "Warning Odometer Discrepancy".

54 5. The department of revenue shall notify all motor vehicle ownership transferees of the
55 civil and criminal penalties involving odometer fraud.

56 6. Any person defacing or obscuring or otherwise falsifying any odometer reading on any
57 document required by this section shall be guilty of a class [D] E felony.

58 7. The granting or creation of a security interest or lien shall not be considered a change
59 of ownership for the purpose of this section, and the grantor of such lien or security interest shall
60 not be required to make an odometer mileage statement. The release of a lien by a mortgage
61 holder shall not be considered a change of ownership of the motor vehicle for the purposes of
62 this section. The mortgage holder or lienholder shall not be required to make an odometer
63 disclosure statement or state the current odometer setting at the time of the release of the lien
64 where there is no change of ownership.

65 8. For the purposes of the mileage disclosure requirements of this section, if a certificate
66 of ownership is held by a lienholder, if the transferor makes application for a duplicate certificate
67 of ownership, or as otherwise provided in the federal Motor Vehicle Information and Cost
68 Savings Act and related federal regulations, the transferor may execute a written power of
69 attorney authorizing a transfer of ownership. The person granted such power of attorney shall
70 restate exactly on the assignment of title the actual mileage disclosed at the time of transfer. The
71 power of attorney shall accompany the certificate of ownership and the original power of

72 attorney and a copy of the certificate of ownership shall be returned to the issuing state in the
73 manner prescribed by the director of revenue, unless otherwise provided by federal law, rule or
74 regulation. The department of revenue may prescribe a secure document for use in executing a
75 written power of attorney. The department shall collect a fee for each form issued, not to exceed
76 the cost of procuring the form.

407.544. Notwithstanding any provision of law to the contrary, a court may enhance the
2 sentence for any person convicted of violating section 407.516, 407.521, 407.526, 407.536,
3 407.542 or 407.543 who has a prior conviction for any one of the foregoing sections to a fine
4 and to a time of imprisonment within the department of corrections and human resources for a
5 term not to exceed that otherwise authorized by law for violation of a class [D] E felony.

407.740. 1. Any person who willfully and knowingly engages in unlawful subleasing
2 of a motor vehicle, as defined in section 407.742, shall be guilty of a class [D] E felony. It shall
3 be the duty of each prosecuting attorney and circuit attorney in their respective jurisdictions to
4 commence any criminal actions under sections 407.738 to 407.745, and the attorney general shall
5 have concurrent original jurisdiction to commence such criminal actions throughout the state
6 where such violations have occurred.

7 2. Whenever it appears to the attorney general that a person has engaged in, is engaging
8 in, or is about to engage in unlawful subleasing of a motor vehicle, he may bring an action
9 pursuant to section 407.100 for an injunction prohibiting such person from continuing such
10 methods, uses, acts, or practices, or engaging therein, or doing anything in furtherance thereof.
11 In any action brought by the attorney general under this subsection, all of the provisions of
12 sections 407.100 to 407.140 shall apply thereto.

407.1082. 1. It is unlawful pursuant to section 407.020 to violate any provision of
2 sections 407.1070 to 407.1085 or to misrepresent or omit the required disclosures of section
3 407.1073 or 407.1076, and pursuant to sections 407.010 to 407.130, the violator shall be subject
4 to all penalties, remedies and procedures provided in sections 407.010 to 407.130. The remedies
5 available in this section are cumulative and in addition to any other remedies available by law.

6 2. Any person who willfully and knowingly engages in any act or practice declared to
7 be unlawful by any provision of subdivisions (2) to (5) of section 407.1076 shall be guilty of a
8 class A misdemeanor. Any person who willfully and knowingly engages in any act or practice
9 declared to be unlawful by any provision of subdivision (1) of section 407.1076, or of
10 subdivisions (6) to (11) of section 407.1076, shall be guilty of a class [D] E felony. Any person
11 previously convicted of a class [D] E felony pursuant to this subsection shall, for each
12 subsequent conviction, be guilty of a class [D] E felony punishable by the term of years set out
13 for a class [D] E felony, but with a fine of not more than five thousand dollars or a fine equal to
14 triple the gain, with no limit on the amount recoverable pursuant to any triple-the-gain penalty.

15 Any person who willfully and knowingly fails to keep the records required in section 407.1079
16 shall be guilty of a class A misdemeanor.

17 3. In addition to the remedies already provided in sections 407.1070 to 407.1085, any
18 consumer that suffers a loss or harm as a result of any unlawful telemarketing act or practice
19 pursuant to section 407.1076 may recover actual and punitive damages, reasonable attorney's
20 fees, court costs and any other remedies provided by law.

407.1252. 1. Any individual who purchases a travel club membership from a travel club
2 and has a complaint resulting from that purchase transaction has the option, in addition to filing
3 a civil suit, to file a written complaint with the office of the state attorney general, or the county
4 prosecuting attorney. The office which receives the complaint shall deliver to the travel club that
5 is the subject of the complaint, by registered mail within ten working days, all written complaints
6 received under this section in their entirety. Should the office receiving the complaint, including
7 the attorney general, fail to deliver the complaint as stated herein, any action subsequently filed
8 on the complaint shall be stayed for a period of thirty business days from the date the club is first
9 notified and provided the written complaint, thereby allowing the travel club that is the subject
10 of the complaint an opportunity to cure the complaint as provided in subsection 2 of this section.

11 2. Prior to being subject to any remedies available under sections 407.1240 to 407.1252,
12 a travel club shall have thirty business days following the date that a filed complaint is provided
13 to the travel club to cure any grievances stated in the complaint. The parties shall not seek other
14 forms of redress during this period. Upon satisfaction or settlement of any complaint, the parties
15 shall execute a written mutual release which shall contain the terms of the settlement and operate
16 to remove the matters contained in the release as a basis for further action by any entity or person
17 under this chapter. Any payments to be made under a settlement shall be made within fifteen
18 business days of the signing date of the settlement.

19 3. (1) The attorney general, prosecuting attorney, or complainant may bring an action
20 in a court of competent jurisdiction to enjoin a violation of sections 407.1240 to 407.1252 if the
21 conditions for a violation of sections 407.1240 to 407.1252 have been met.

22 (2) A person who violates any provision of sections 407.1240 to 407.1252 is guilty of
23 a class [D] E felony and shall be subject to a penalty of ten thousand dollars. Any fines collected
24 under this subsection shall be transferred to the state school moneys fund as established in
25 section 166.051 and distributed to the public schools of this state in the manner provided in
26 section 163.031.

27 4. Any travel club registered to operate in this state which has been adjudged to have
28 failed to provide a refund equal to the purchase price of the unused travel benefits of a person
29 who has validly exercised his or her rights of rescission under sections 407.1240 to 407.1252
30 within fifteen business days of such valid exercise or has been adjudged to have failed to honor

31 a settlement agreement entered into under the provisions of sections 407.1240 to 407.1252 shall
32 post a surety bond upon the earlier of a judgment entered on said violations or its next annual
33 registration.

34 5. Any travel club registered to operate in this state which has been adjudged to have
35 engaged in fraud in the procurement or sale of contracts shall be required to post a security bond
36 upon the earlier of the judgment finding such or its next annual registration.

411.260. 1. Each person owning, operating, or desiring to own or operate a grain
2 warehouse who is required to be licensed, shall apply for a license for each such warehouse he
3 owns or operates. The application for a license shall be subscribed and sworn to under oath by
4 the applicant or a duly authorized representative of the applicant. The application shall be in a
5 form prescribed by the director. All items on the application must be completed or marked "not
6 applicable" as appropriate.

7 2. All applications shall be accompanied by a true and accurate financial statement of
8 the applicant, prepared within six months of the date of the application, setting forth the assets,
9 liabilities and the net worth of the applicant. All applications shall also be accompanied by a true
10 and accurate statement of income and expenses for the applicant's most recently completed fiscal
11 year. The financial statements required by this chapter shall be prepared in conformity with
12 generally accepted accounting principles; except that, the director may promulgate rules allowing
13 for the valuation of assets by competent appraisal.

14 3. The financial statements required by subsection 2 of this section shall be audited or
15 reviewed by a certified public accountant. The financial statement may not be audited, reviewed
16 or prepared by the applicant, if an individual, or, if the applicant is a corporation or partnership,
17 by any officer, shareholder, partner, or employee of the applicant.

18 4. The director may require any additional information or verification with respect to the
19 financial resources of the applicant as he deems necessary for the effective administration of this
20 chapter. The director may promulgate rules setting forth minimum standards of acceptance for
21 the various types of financial statements filed in accordance with the provisions of this chapter.
22 The director may promulgate rules requiring a statement of retained earnings, a statement of
23 changes in financial position, and notes and disclosures to the financial statements for all
24 licensed warehousemen or all warehousemen required to be licensed. The additional information
25 or verification referred to herein may include, but is not limited to, requiring that the financial
26 statement information be reviewed or audited in accordance with standards established by the
27 American Institute of Certified Public Accountants.

28 5. All warehousemen shall provide the director with a copy of all financial statements
29 and updates to financial statements utilized to secure the bonds required by this chapter. Also,
30 all warehousemen maintaining a uniform grain storage agreement with the Commodity Credit

31 Corporation or a United States Warehouse Act license shall provide the director with a copy of
32 all financial statements and updates to financial statements utilized to secure and maintain such
33 agreement or license.

34 6. All financial statements submitted to the director for the purposes of this chapter shall
35 be accompanied by a certification by the applicant or the chief executive officer of the applicant,
36 subject to the penalty provision set forth in section 411.517 that to the best of his knowledge and
37 belief the financial statement accurately reflects the financial condition of the applicant for the
38 fiscal period covered in the statement.

39 7. Any person who knowingly prepares or assists in the preparation of an inaccurate or
40 false financial statement which is submitted to the director for the purposes of this chapter, or
41 who during the course of providing bookkeeping services or in reviewing or auditing a financial
42 statement which is submitted to the director for the purposes of this chapter, becomes aware of
43 false information in the financial statement and does not disclose in notes accompanying the
44 financial statements that such false information exists, or does not disassociate himself from the
45 financial statements prior to submission, is guilty of a class [C] **D** felony. Additionally, such
46 persons are liable for any damages incurred by depositors of grain with a warehouseman who is
47 licensed or allowed to maintain his license based upon inaccuracies or falsifications contained
48 in the financial statement.

411.287. 1. If a license is suspended, revoked or a shortage is known to exist and the
2 director determines that there is danger of loss to depositors, the director or his authorized agents
3 may enter the premises of the warehouseman, monitor the activities of the warehouseman and
4 take any actions authorized by this chapter which are necessary to protect the interests of
5 depositors of grain. Additionally, when a shortage exists, the director or his designated
6 representative may order, verbally or in writing, the warehouseman to cease shipping any grain
7 until such shortage is corrected. Should the warehouseman continue to ship grain after being
8 advised of such order to cease shipping, such action of the warehouseman shall constitute a class
9 [C] **D** felony. The director and his designated representative shall notify local law enforcement
10 officials and request the immediate arrest of the warehouseman.

11 2. Whenever the director or his authorized agents monitor the operation of any
12 warehouse, the warehouseman, upon a finding by a court of competent jurisdiction that the
13 director had reasonable grounds to believe that this action was necessary to protect the
14 depositors, may be assessed and shall pay a fee of one hundred dollars per person for each day
15 or part thereof that the director or his authorized agents monitored the operations.

411.371. 1. Warehouse receipts shall be issued by any licensed public warehouseman
2 as herein defined upon the request of any depositor, and must be issued in manner and form as
3 provided by this chapter or prescribed by rule, and the form of all receipts shall be approved by

4 the director. The director shall be authorized to have printed all warehouse receipts, grade
5 certificates, and weight certificates issued by public warehousemen licensed under this chapter.

6 2. It shall be unlawful for any public warehouseman to issue any warehouse receipts for
7 any grain received except upon warehouse receipts approved by the director. Any person who
8 shall issue or cause to be issued any counterfeit warehouse receipt, or any warehouse receipt for
9 grain, other than as authorized and prescribed by the director, shall be guilty of a class [C] **D**
10 felony.

11 3. Whenever the license of a public warehouseman expires or is revoked or suspended,
12 he shall return all unused warehouse receipts to the director; the director shall immediately notify
13 the holders of all outstanding receipts of the expiration or revocation of the license.

14 4. It shall be unlawful for any person, other than a licensed public grain warehouseman,
15 to issue any negotiable warehouse receipt for grain, or any warehouse receipt for grain for
16 collateral purposes. Any person who violates this subsection is, upon conviction, guilty of a
17 class [C] **D** felony.

411.517. 1. The warehouseman shall maintain in a place of safety at each licensed
2 warehouse facility current and complete records with respect to all grain delivered to, withdrawn
3 from and received, stored or processed at that warehouse. The director may allow the
4 warehouseman to maintain said records at the warehouseman's headquarters office on a
5 case-by-case basis taking into consideration the location from which grain payments are made.
6 Such records shall include but not be limited to the following:

7 (1) A perpetual inventory showing the total quantity of each kind and class of grain
8 received and loaded out, the quantity of each kind and class of grain remaining in the warehouse
9 and the total storage obligations for each kind and class of grain. This record shall be kept
10 current as of the close of each business day; except that, if no transaction takes place during a
11 business day, a record showing the actual status as to quantity and storage obligations at the close
12 of the next preceding business day during which recordable transactions occurred shall be
13 deemed to be current;

14 (2) A register which records all grain transactions not evidenced by the warehouseman's
15 own scale ticket, i.e., direct farm to market shipments. This register shall be updated daily
16 showing, at a minimum, customer name, type of grain, quantity of grain, date of shipment, name
17 of terminal or other business accepting the physical commodity, destination scale ticket number
18 and whether the grain was delivered for storage, sale or other specified purpose;

19 (3) A current copy of the periodic insurance report submitted to the insurer.

20 2. In addition to the records required by section 411.383 and subsection 1 of this section,
21 the warehouseman shall maintain such adequate financial records as will clearly reflect his

22 current financial position and will clearly support any financial information required to be
23 submitted to the director from time to time.

24 3. Each grain warehouseman may also be required to keep such records or make such
25 reports as deemed necessary by the director to protect the depositor or seller of grain as set forth
26 in this chapter and the regulations promulgated hereunder.

27 4. All books, records and accounts of warehousemen shall be kept and held available for
28 examination for a period of not less than three years after the close of the period for which such
29 book or record was required; except that, canceled or voided warehouse receipts and the
30 warehouse receipt register required by section 411.383 shall be kept and held available for
31 examination for a period of not less than six years from the date of cancellation or voiding of
32 receipts or, in the case of the register, from the last date upon which a receipt referred to therein
33 shall have been canceled or voided.

34 5. A warehouseman licensed or required to be licensed under this chapter shall keep
35 available for examination all books, records and accounts required by this chapter and any other
36 books, records and accounts relevant to his operating a public grain warehouse. An examination
37 may be performed by the director or a warehouse auditor, and may take place at any time during
38 the normal business hours of the warehouseman or, if prior notice of the examination is given
39 to the warehouseman, at such time as is prescribed in that notice.

40 6. Any warehouseman licensed or required to be licensed under this chapter, or any
41 officer, agent, employee, servant or associate of such warehouseman, who files with the director
42 false records, scale tickets, financial statements, accounts, or withholds records, scale tickets,
43 financial statements or accounts from the director, or who alters records, scale tickets, financial
44 statements or accounts in order to conceal outstanding storage obligations or to conceal actual
45 amounts of grain received for storage or for purchase, whether or not paid for, or to conceal
46 warehouse obligations or for the purpose of misleading in any way department warehouse
47 auditors or officials, is guilty of a class [C] **D** felony.

411.770. A warehouseman commits the crime of "stealing grain" if he sells grain owned
2 by another person which has been delivered to him for the purpose of storage without the owner's
3 consent, or by means of deceit or coercion, with the intent to deprive the owner of the grain
4 either permanently or temporarily. Stealing grain by a warehouseman is a class [C] **D** felony.

413.229. 1. Any person found in violation of any provisions of this chapter shall be
2 deemed guilty of a class A misdemeanor.

3 2. Any person found to have purposely violated any provisions of this chapter, has been
4 previously convicted twice for the same offense under the misdemeanor provisions of this
5 section, or uses or has in his or her possession for use a commercial device which has been
6 altered to facilitate the commission of fraud shall be deemed guilty of a class [D] **E** felony.

33 (1) The settlement agent or to its officer, director or employee other than a financial gain
34 from the charges regularly made in the course of its business;

35 (2) A person related as closely as the fourth degree of consanguinity to the settlement
36 agent or to an officer, director or employee of the settlement agent;

37 (3) A spouse of the settlement agent, officer, director or employee of the settlement
38 agent; or

39 (4) A person related as closely as the fourth degree of consanguinity to the spouse of the
40 settlement agent, officer, director or employee of the settlement agent.

429.013. 1. The provisions of this section shall apply only to the repair or remodeling
2 of or addition to owner-occupied residential property of four units or less. The term "owner"
3 means the owner of record at the time any contractor, laborer or materialman agrees or is
4 requested to furnish any work, labor, material, fixture, engine, boiler or machinery. The term
5 "owner-occupied" means that property which the owner currently occupies, or intends to occupy
6 and does occupy as a residence within a reasonable time after the completion of the repair,
7 remodeling or addition which is the basis for the lien sought, pursuant to this section. The term
8 "residential property" means property consisting of four or less existing units to which repairs,
9 remodeling or additions are undertaken. This section shall not apply to the building, construction
10 or erection of any improvements constituting the initial or original residential unit or units or
11 other improvements or appurtenances forming a part of the original development of the property.
12 The provisions added to this subsection in 1990 are intended to clarify the scope and meaning
13 of this section as originally enacted.

14 2. No person, other than an original contractor, who performs any work or labor or
15 furnishes any material, fixtures, engine, boiler or machinery for any building or structure shall
16 have a lien under this section on such building or structure for any work or labor performed or
17 for any material, fixtures, engine, boiler, or machinery furnished unless an owner of the building
18 or structure pursuant to a written contract has agreed to be liable for such costs in the event that
19 the costs are not paid. Such consent shall be printed in ten point bold type and signed separately
20 from the notice required by section 429.012 and shall contain the following words:

21 **CONSENT OF OWNER**

22 **CONSENT IS HEREBY GIVEN FOR FILING OF MECHANIC'S LIENS BY ANY**
23 **PERSON WHO SUPPLIES MATERIALS OR SERVICES FOR THE WORK DESCRIBED IN**
24 **THIS CONTRACT ON THE PROPERTY ON WHICH IT IS LOCATED IF HE IS NOT PAID.**

25 3. In addition to complying with the provisions of section 429.012, every original
26 contractor shall retain a copy of the notice required by that section and any consent signed by an
27 owner and shall furnish a copy to any person performing work or labor or furnishing material,
28 fixtures, engines, boilers or machinery upon his request for such copy of the notice or consent.

29 It shall be a condition precedent to the creation, existence or validity of any lien by anyone other
30 than an original contractor that a copy of a consent in the form prescribed in subsection 2 of this
31 section, signed by an owner, be attached to the recording of a claim of lien. The signature of one
32 or more of the owners shall be binding upon all owners. Nothing in this section shall relieve the
33 requirements of any original contractor under sections 429.010 and 429.012.

34 4. In the absence of a consent described in subsection 2 of this section, full payment of
35 the amount due under a contract to the contractor shall be a complete defense to all liens filed
36 by any person performing work or labor or furnishing material, fixtures, engines, boilers or
37 machinery. Partial payment to the contractor shall only act as an offset to the extent of such
38 payment.

39 5. Any person falsifying the signature of an owner, with intent to defraud, in the consent
40 of owner provided in subsection 2 of this section shall be guilty of a class [C] D felony. Any
41 original contractor who knowingly issues a fraudulent consent of owner shall be guilty of a class
42 [C] D felony.

429.014. 1. Any original contractor, subcontractor or supplier who fails or refuses to pay
2 any subcontractor, materialman, supplier or laborer for any services or materials provided
3 pursuant to any contract referred to in section 429.010, 429.012 or 429.013 for which the original
4 contractor, subcontractor or supplier has been paid, with the intent to defraud, commits the crime
5 of lien fraud, regardless of whether the lien was perfected or filed within the time allowed by
6 law.

7 2. A property owner or lessee who pays a subcontractor, materialman, supplier or laborer
8 for the services or goods claimed pursuant to a lien, for which the original contractor,
9 subcontractor or supplier has been paid, shall have a claim against the original contractor,
10 subcontractor or supplier who failed or refused to pay the subcontractor, materialman, supplier
11 or laborer.

12 3. Lien fraud is a class [C] D felony if the amount of the lien filed or the aggregate
13 amount of all liens filed on the subject property as a result of the conduct described in subsection
14 1 of this section is in excess of five hundred dollars, otherwise lien fraud is a class A
15 misdemeanor. If no liens are filed, lien fraud is a class A misdemeanor.

436.485. 1. Any person, including the officers, directors, partners, agents, or employees
2 of such person, who shall knowingly and willfully violate or assist or enable any person to
3 violate any provision of sections 436.400 to 436.520 by incompetence, misconduct, gross
4 negligence, fraud, misrepresentation, or dishonesty is guilty of a class [C] D felony. Each
5 violation of any provision of sections 436.400 to 436.520 constitutes a separate offense and may
6 be prosecuted individually. The attorney general shall have concurrent jurisdiction with any
7 local prosecutor to prosecute under this section.

8 2. Any violation of the provisions of sections 436.400 to 436.520 shall constitute a
9 violation of the provisions of section 407.020. In any proceeding brought by the attorney general
10 for a violation of the provisions of sections 436.400 to 436.520, the court may order all relief and
11 penalties authorized under chapter 407 and, in addition to imposing the penalties provided for
12 in sections 436.400 to 436.520, order the revocation or suspension of the license or registration
13 of a defendant seller, provider, or preneed agent.

 443.810. Any person who violates any provision of sections 443.805 to 443.812 shall
2 be deemed guilty of a class [C] **D** felony. In addition, in any contested case proceeding, the
3 director or board may assess a civil penalty of up to twenty-five thousand dollars per violation
4 for any violation of any of the provisions of sections 443.701 to 443.893.

 443.819. 1. No person engaged in a business regulated by sections 443.701 to 443.893
2 shall operate or engage in such business under a name other than the real names of the persons
3 conducting such business, a corporate name adopted pursuant to law, or a fictitious name
4 registered with the secretary of state's office.

5 2. Any person who knowingly violates this section shall be deemed guilty of a class A
6 misdemeanor. A person who is convicted of a second or subsequent violation of this section
7 shall be deemed guilty of a class [C] **D** felony.

 453.110. 1. No person, agency, organization or institution shall surrender custody of a
2 minor child, or transfer the custody of such a child to another, and no person, agency,
3 organization or institution shall take possession or charge of a minor child so transferred, without
4 first having filed a petition before the circuit court sitting as a juvenile court of the county where
5 the child may be, praying that such surrender or transfer may be made, and having obtained such
6 an order from such court approving or ordering transfer of custody.

7 2. If any such surrender or transfer is made without first obtaining such an order, such
8 court shall, on petition of any public official or interested person, agency, organization or
9 institution, order an investigation and report as described in section 453.070 to be completed by
10 the division of family services and shall make such order as to the custody of such child in the
11 best interest of such child.

12 3. Any person violating the terms of this section shall be guilty of a class [D] **E** felony.

13 4. The investigation required by subsection 2 of this section shall be initiated by the
14 division of family services within forty-eight hours of the filing of the court order requesting the
15 investigation and report and shall be completed within thirty days. The court shall order the
16 person having custody in violation of the provisions of this section to pay the costs of the
17 investigation and report.

18 5. This section shall not be construed to prohibit any parent, agency, organization or
19 institution from placing a child with another individual for care if the right to supervise the care

20 of the child and to resume custody thereof is retained, or from placing a child with a licensed
21 foster home within the state through a child-placing agency licensed by this state as part of a
22 preadoption placement.

23 6. After the filing of a petition for the transfer of custody for the purpose of adoption,
24 the court may enter an order of transfer of custody if the court finds all of the following:

25 (1) A family assessment has been made as required in section 453.070 and has been
26 reviewed by the court;

27 (2) A recommendation has been made by the guardian ad litem;

28 (3) A petition for transfer of custody for adoption has been properly filed or an order
29 terminating parental rights has been properly filed;

30 (4) The financial affidavit has been filed as required under section 453.075;

31 (5) The written report regarding the child who is the subject of the petition containing
32 the information has been submitted as required by section 453.026;

33 (6) Compliance with the Indian Child Welfare Act, if applicable; and

34 (7) Compliance with the Interstate Compact on the Placement of Children pursuant to
35 section 210.620.

36 7. A hearing on the transfer of custody for the purpose of adoption is not required if:

37 (1) The conditions set forth in subsection 6 of this section are met;

38 (2) The parties agree and the court grants leave; and

39 (3) Parental rights have been terminated pursuant to section 211.444 or 211.447.

455.085. 1. When a law enforcement officer has probable cause to believe a party has
2 committed a violation of law amounting to abuse or assault, as defined in section 455.010,
3 against a family or household member, the officer may arrest the offending party whether or not
4 the violation occurred in the presence of the arresting officer. When the officer declines to make
5 arrest pursuant to this subsection, the officer shall make a written report of the incident
6 completely describing the offending party, giving the victim's name, time, address, reason why
7 no arrest was made and any other pertinent information. Any law enforcement officer
8 subsequently called to the same address within a twelve-hour period, who shall find probable
9 cause to believe the same offender has again committed a violation as stated in this subsection
10 against the same or any other family or household member, shall arrest the offending party for
11 this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period
12 may be considered as evidence of the defendant's intent in the violation for which arrest
13 occurred. The refusal of the victim to sign an official complaint against the violator shall not
14 prevent an arrest under this subsection.

15 2. When a law enforcement officer has probable cause to believe that a party, against
16 whom a protective order has been entered and who has notice of such order entered, has

17 committed an act of abuse in violation of such order, the officer shall arrest the offending
18 party-respondent whether or not the violation occurred in the presence of the arresting officer.
19 Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest
20 under this subsection.

21 3. When an officer makes an arrest he is not required to arrest two parties involved in
22 an assault when both parties claim to have been assaulted. The arresting officer shall attempt to
23 identify and shall arrest the party he believes is the primary physical aggressor. The term
24 "primary physical aggressor" is defined as the most significant, rather than the first, aggressor.
25 The law enforcement officer shall consider any or all of the following in determining the primary
26 physical aggressor:

27 (1) The intent of the law to protect victims of domestic violence from continuing abuse;

28 (2) The comparative extent of injuries inflicted or serious threats creating fear of physical
29 injury;

30 (3) The history of domestic violence between the persons involved. No law enforcement
31 officer investigating an incident of family violence shall threaten the arrest of all parties for the
32 purpose of discouraging requests or law enforcement intervention by any party. Where
33 complaints are received from two or more opposing parties, the officer shall evaluate each
34 complaint separately to determine whether he should seek a warrant for an arrest.

35 4. In an arrest in which a law enforcement officer acted in good faith reliance on this
36 section, the arresting and assisting law enforcement officers and their employing entities and
37 superiors shall be immune from liability in any civil action alleging false arrest, false
38 imprisonment or malicious prosecution.

39 5. When a person against whom an order of protection has been entered fails to surrender
40 custody of minor children to the person to whom custody was awarded in an order of protection,
41 the law enforcement officer shall arrest the respondent, and shall turn the minor children over
42 to the care and custody of the party to whom such care and custody was awarded.

43 6. The same procedures, including those designed to protect constitutional rights, shall
44 be applied to the respondent as those applied to any individual detained in police custody.

45 7. A violation of the terms and conditions, with regard to abuse, stalking, child custody,
46 communication initiated by the respondent or entrance upon the premises of the petitioner's
47 dwelling unit or place of employment or school, or being within a certain distance of the
48 petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent
49 has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty
50 to or has been found guilty in any division of the circuit court of violating an ex parte order of
51 protection or a full order of protection within five years of the date of the subsequent violation,
52 in which case the subsequent violation shall be a class [D] E felony. Evidence of prior pleas of

53 guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to
54 submission of the case to the jury. If the court finds the existence of such prior pleas of guilty
55 or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of
56 sentence or other disposition and shall not instruct the jury as to the range of punishment or allow
57 the jury to assess and declare the punishment as a part of its verdict.

58 8. A violation of the terms and conditions, with regard to abuse, stalking, child custody,
59 communication initiated by the respondent or entrance upon the premises of the petitioner's
60 dwelling unit or place of employment or school, or being within a certain distance of the
61 petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor,
62 unless the respondent has previously pleaded guilty to or has been found guilty in any division
63 of the circuit court of violating an ex parte order of protection or a full order of protection within
64 five years of the date of the subsequent violation, in which case the subsequent violation shall
65 be a class [D] E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by
66 the court out of the presence of the jury prior to submission of the case to the jury. If the court
67 finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the
68 court shall decide the extent or duration of the sentence or other disposition and shall not instruct
69 the jury as to the range of punishment or allow the jury to assess and declare the punishment as
70 a part of its verdict. For the purposes of this subsection, in addition to the notice provided by
71 actual service of the order, a party is deemed to have notice of an order of protection if the law
72 enforcement officer responding to a call of a reported incident of abuse or violation of an order
73 of protection presented a copy of the order of protection to the respondent.

74 9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed
75 tampering with a witness or victim tampering under section 575.270.

76 10. Nothing in this section shall be interpreted as creating a private cause of action for
77 damages to enforce the provisions set forth herein.

455.538. 1. When a law enforcement officer has probable cause to believe that a party,
2 against whom a protective order for a child has been entered, has committed an act of abuse in
3 violation of that order, he shall have the authority to arrest the respondent whether or not the
4 violation occurred in the presence of the arresting officer.

5 2. When a person, against whom an order of protection for a child has been entered, fails
6 to surrender custody of minor children to the person to whom custody was awarded in an order
7 of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor
8 children over to the care and custody of the party to whom such care and custody was awarded.

9 3. The same procedures, including those designed to protect constitutional rights, shall
10 be applied to the respondent as those applied to any individual detained in police custody.

11 4. (1) Violation of the terms and conditions of an ex parte or full order of protection
12 with regard to abuse, child custody, communication initiated by the respondent, or entrance upon
13 the premises of the victim's dwelling unit or place of employment or school, or being within a
14 certain distance of the petitioner or a child of the petitioner, of which the respondent has notice,
15 shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has
16 been found guilty in any division of the circuit court of violating an ex parte order of protection
17 or a full order of protection within five years of the date of the subsequent violation, in which
18 case the subsequent violation shall be a class [D] E felony. Evidence of a prior plea of guilty or
19 finding of guilt shall be heard by the court out of the presence of the jury prior to submission of
20 the case to the jury. If the court finds the existence of a prior plea of guilty or finding of guilt
21 beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other
22 disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess
23 and declare the punishment as a part of its verdict.

24 (2) For purposes of this subsection, in addition to the notice provided by actual service
25 of the order, a party is deemed to have notice of an order of protection for a child if the law
26 enforcement officer responding to a call of a reported incident of abuse or violation of an order
27 of protection for a child presents a copy of the order of protection to the respondent.

28 5. The fact that an act by a respondent is a violation of a valid order of protection for a
29 child shall not preclude prosecution of the respondent for other crimes arising out of the incident
30 in which the protection order is alleged to have been violated.

476.055. 1. There is hereby established in the state treasury the "Statewide Court
2 Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts,
3 contributions, devises, bequests, and grants received relating to automation of judicial record
4 keeping, and moneys received by the judicial system for the dissemination of information and
5 sales of publications developed relating to automation of judicial record keeping, shall be
6 credited to the fund. Moneys credited to this fund may only be used for the purposes set forth
7 in this section and as appropriated by the general assembly. Any unexpended balance remaining
8 in the statewide court automation fund at the end of each biennium shall not be subject to the
9 provisions of section 33.080 requiring the transfer of such unexpended balance to general
10 revenue; except that, any unexpended balance remaining in the fund on September 1, 2018, shall
11 be transferred to general revenue.

12 2. The statewide court automation fund shall be administered by a court automation
13 committee consisting of the following: the chief justice of the supreme court, a judge from the
14 court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit
15 court, the commissioner of administration, two members of the house of representatives
16 appointed by the speaker of the house, two members of the senate appointed by the president pro

17 tem of the senate and two members of the Missouri Bar. The judge members and employee
18 members shall be appointed by the chief justice. The commissioner of administration shall serve
19 ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the
20 Missouri Bar. Any member of the committee may designate another person to serve on the
21 committee in place of the committee member.

22 3. The committee shall develop and implement a plan for a statewide court automation
23 system. The committee shall have the authority to hire consultants, review systems in other
24 jurisdictions and purchase goods and services to administer the provisions of this section. The
25 committee may implement one or more pilot projects in the state for the purposes of determining
26 the feasibility of developing and implementing such plan. The members of the committee shall
27 be reimbursed from the court automation fund for their actual expenses in performing their
28 official duties on the committee.

29 4. Any purchase of computer software or computer hardware that exceeds five thousand
30 dollars shall be made pursuant to the requirements of the office of administration for lowest and
31 best bid. Such bids shall be subject to acceptance by the office of administration. The court
32 automation committee shall determine the specifications for such bids.

33 5. The court automation committee shall not require any circuit court to change any
34 operating system in such court, unless the committee provides all necessary personnel, funds and
35 equipment necessary to effectuate the required changes. No judicial circuit or county may be
36 reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or
37 county has the approval of the court automation committee prior to incurring the specific cost.

38 6. Any court automation system, including any pilot project, shall be implemented,
39 operated and maintained in accordance with strict standards for the security and privacy of
40 confidential judicial records. Any person who knowingly releases information from a
41 confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that
42 a judicial record is confidential, uses information from such confidential record for financial gain
43 is guilty of a class [D] E felony.

44 7. On the first day of February, May, August and November of each year, the court
45 automation committee shall file a report on the progress of the statewide automation system with
46 the joint legislative committee on court automation. Such committee shall consist of the
47 following:

- 48 (1) The chair of the house budget committee;
49 (2) The chair of the senate appropriations committee;
50 (3) The chair of the house judiciary committee;
51 (4) The chair of the senate judiciary committee;

52 (5) One member of the minority party of the house appointed by the speaker of the house
53 of representatives; and

54 (6) One member of the minority party of the senate appointed by the president pro
55 tempore of the senate.

56 8. The members of the joint legislative committee shall be reimbursed from the court
57 automation fund for their actual expenses incurred in the performance of their official duties as
58 members of the joint legislative committee on court automation.

59 9. Section 488.027 shall expire on September 1, 2018. The court automation committee
60 established pursuant to this section may continue to function until completion of its duties
61 prescribed by this section, but shall complete its duties prior to September 1, 2020.

62 10. This section shall expire on September 1, 2020.

476.055. 1. There is hereby established in the state treasury the "Statewide Court
2 Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts,
3 contributions, devises, bequests, and grants received relating to automation of judicial record
4 keeping, and moneys received by the judicial system for the dissemination of information and
5 sales of publications developed relating to automation of judicial record keeping, shall be
6 credited to the fund. Moneys credited to this fund may only be used for the purposes set forth
7 in this section and as appropriated by the general assembly. Any unexpended balance remaining
8 in the statewide court automation fund at the end of each biennium shall not be subject to the
9 provisions of section 33.080 requiring the transfer of such unexpended balance to general
10 revenue; except that, any unexpended balance remaining in the fund on September 1, 2015, shall
11 be transferred to general revenue.

12 2. The statewide court automation fund shall be administered by a court automation
13 committee consisting of the following: the chief justice of the supreme court, a judge from the
14 court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit
15 court, the commissioner of administration, two members of the house of representatives
16 appointed by the speaker of the house, two members of the senate appointed by the president pro
17 tem of the senate and two members of the Missouri Bar. The judge members and employee
18 members shall be appointed by the chief justice. The commissioner of administration shall serve
19 ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the
20 Missouri Bar. Any member of the committee may designate another person to serve on the
21 committee in place of the committee member.

22 3. The committee shall develop and implement a plan for a statewide court automation
23 system. The committee shall have the authority to hire consultants, review systems in other
24 jurisdictions and purchase goods and services to administer the provisions of this section. The
25 committee may implement one or more pilot projects in the state for the purposes of determining

26 the feasibility of developing and implementing such plan. The members of the committee shall
27 be reimbursed from the court automation fund for their actual expenses in performing their
28 official duties on the committee.

29 4. Any purchase of computer software or computer hardware that exceeds five thousand
30 dollars shall be made pursuant to the requirements of the office of administration for lowest and
31 best bid. Such bids shall be subject to acceptance by the office of administration. The court
32 automation committee shall determine the specifications for such bids.

33 5. The court automation committee shall not require any circuit court to change any
34 operating system in such court, unless the committee provides all necessary personnel, funds and
35 equipment necessary to effectuate the required changes. No judicial circuit or county may be
36 reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or
37 county has the approval of the court automation committee prior to incurring the specific cost.

38 6. Any court automation system, including any pilot project, shall be implemented,
39 operated and maintained in accordance with strict standards for the security and privacy of
40 confidential judicial records. Any person who knowingly releases information from a
41 confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that
42 a judicial record is confidential, uses information from such confidential record for financial gain
43 is guilty of a class [D] E felony.

44 7. On the first day of February, May, August and November of each year, the court
45 automation committee shall file a report on the progress of the statewide automation system with
46 the joint legislative committee on court automation. Such committee shall consist of the
47 following:

- 48 (1) The chair of the house budget committee;
49 (2) The chair of the senate appropriations committee;
50 (3) The chair of the house judiciary committee;
51 (4) The chair of the senate judiciary committee;
52 (5) One member of the minority party of the house appointed by the speaker of the house
53 of representatives; and
54 (6) One member of the minority party of the senate appointed by the president pro
55 tempore of the senate.

56 8. The members of the joint legislative committee shall be reimbursed from the court
57 automation fund for their actual expenses incurred in the performance of their official duties as
58 members of the joint legislative committee on court automation.

59 9. Section 488.027 shall expire on September 1, 2015. The court automation committee
60 established pursuant to this section may continue to function until completion of its duties
61 prescribed by this section, but shall complete its duties prior to September 1, 2017.

62 10. This section shall expire on September 1, 2017.

 [577.006.] **479.172.** 1. Each municipal judge shall receive adequate instruction on the
2 laws related to intoxication-related traffic offenses as defined in section [577.023] **577.001**
3 including jurisdictional issues related to such offenses, reporting requirements to the highway
4 patrol central repository as set out in section 43.503 and required assessment for offenders under
5 the substance abuse traffic offender program (SATOP). Each municipal judge shall adopt a
6 written policy requiring that municipal court personnel timely report all dispositions of all
7 charges for intoxication-related traffic offenses to the central repository.

8 2. Each municipal court shall provide a copy of its written policy for reporting
9 dispositions of intoxication-related traffic offenses to the office of state courts administrator and
10 the highway patrol. To assist municipal courts, the office of state courts administrator may create
11 a model policy for the reporting of dispositions of all charges for intoxication-related traffic
12 offenses.

13 3. Each municipal division of every circuit court in the state of Missouri shall prepare
14 a report every six months. The report shall include, but shall not be limited to, the total number
15 and disposition of every intoxication-related traffic offense adjudicated, dismissed or pending
16 in its municipal court division. The municipal court division shall submit said report to the
17 circuit court en banc. The report shall include the six-month period beginning January first and
18 ending June thirtieth and the six-month period beginning July first and ending December
19 thirty-first of each year. The report shall be submitted to the circuit court en banc no later than
20 sixty days following the end of the reporting period. The circuit court en banc shall make
21 recommendations or take any action it deems appropriate based on its review of said reports.

 [572.120.] **513.660.** Any gambling device or gambling record, or any money used as bets
2 or stakes in unlawful gambling activity, possessed or used in violation of this chapter may be
3 seized by any [peace] **law enforcement** officer and is forfeited to the state. Forfeiture
4 procedures shall be conducted as provided by rule of court. Forfeited money and the proceeds
5 from the sale of forfeited property shall be paid into the school fund of the county. Any forfeited
6 gambling device or record not needed in connection with any proceedings under this chapter and
7 which has no legitimate use shall be ordered publicly destroyed.

 [570.123.] **537.123.** In addition to all other penalties provided by law, any person who
2 makes, utters, draws, or delivers any check, draft, or order for the payment of money upon any
3 bank, savings and loan association, credit union, or other depository, financial institution, person,
4 firm, or corporation which is not honored because of lack of funds or credit to pay or because
5 of not having an account with the drawee and who fails to pay the amount for which such check,
6 draft, or order was made in cash to the holder within thirty days after notice and a written
7 demand for payment, deposited as certified or registered mail in the United States mail, or by

8 regular mail, supported by an affidavit of service by mailing, notice deemed conclusive three
9 days following the date the affidavit is executed, and addressed to the maker and to the endorser,
10 if any, of the check, draft, or order at each of their addresses as it appears on the check, draft, or
11 order or to the last known address, shall, in addition to the face amount owing upon such check,
12 draft, or order, be liable to the holder for three times the face amount owed or one hundred
13 dollars, whichever is greater, plus reasonable attorney fees incurred in bringing an action
14 pursuant to this section. Only the original holder, whether the holder is a person, bank, savings
15 and loan association, credit union, or other depository, financial institution, firm or corporation,
16 may bring an action pursuant to this section. No original holder shall bring an action pursuant
17 to this section if the original holder has been paid the face amount of the check and costs
18 recovered by the prosecuting attorney or circuit attorney pursuant to subsection 6 of section
19 570.120. If the issuer of the check has paid the face amount of the check and costs pursuant to
20 subsection 6 of section 570.120, such payment shall be an affirmative defense to any action
21 brought pursuant to this section. The original holder shall elect to bring an action pursuant to
22 this section or section 570.120, but may not bring an action pursuant to both sections. In no
23 event shall the damages allowed pursuant to this section exceed five hundred dollars, exclusive
24 of reasonable attorney fees. In situations involving payroll checks, the damages allowed
25 pursuant to this section shall only be assessed against the employer who issued the payroll check
26 and not against the employee to whom the payroll check was issued. The provisions of sections
27 408.140 and 408.233 to the contrary notwithstanding, a lender may bring an action pursuant to
28 this section. The provisions of this section will not apply in cases where there exists a bona fide
29 dispute over the quality of goods sold or services rendered.

[570.087.] **537.127.** 1. As used in this section, the following terms mean:

- 2 (1) "Actual damages", the full retail value of any merchandise which is taken or which
3 has its price altered in a manner described in subsection 2 of this section, plus any proven
4 incidental costs to the owner of the merchandise not to exceed one hundred dollars;
- 5 (2) "Mercantile establishment", any place where merchandise is displayed, held or
6 offered for sale either at retail or at wholesale;
- 7 (3) "Merchandise", all things movable and capable of manual delivery and offered for
8 sale either at retail or wholesale;
- 9 (4) "Unemancipated minor", an individual under the age of eighteen years whose parents
10 or guardian have not surrendered the right to the care, custody and earnings of such individual,
11 and are under a duty to support or maintain such individual.
- 12 2. An adult or a minor who takes possession of any merchandise from any mercantile
13 establishment without the consent of the owner, without paying the purchase price and with the
14 intention of converting such merchandise to his own use, or the use of another, or who purchases

15 merchandise after altering the price indicia of such merchandise, shall be civilly liable to the
16 owner for actual damages plus a penalty payable to the owner of not less than one hundred
17 dollars nor more than two hundred fifty dollars and all court costs and reasonable attorney fees.

18 3. The parents or guardian having physical custody of an unemancipated minor, who
19 takes possession of any merchandise from any mercantile establishment without the consent of
20 the owner, without paying the purchase price and with the intention of converting such
21 merchandise to his own use, or the use of another, or who purchases merchandise after altering
22 the price indicia of such merchandise, shall be civilly liable to the owner for actual damages,
23 provided that a parent or guardian shall not be liable if they have not had physical custody for
24 a period in excess of one year.

25 4. Notwithstanding the provisions of subsections 2 and 3 of this section, any person who,
26 without the consent of the owner, takes possession of a shopping cart from any mercantile
27 establishment with the intent to convert such shopping cart to his own use or the use of another
28 shall be civilly liable to the owner for actual damages plus a penalty payable to the owner of one
29 hundred dollars and all court costs and reasonable attorney fees.

30 5. A conviction under section 570.030 [or 570.040] shall not be a condition precedent
31 to maintaining a civil action pursuant to the provisions of this section.

32 6. No owner or agent or employee of the owner may attempt to gain an advantage in a
33 civil action by threatening to initiate a criminal prosecution pertaining to the same incident.

542.402. 1. Except as otherwise specifically provided in sections 542.400 to 542.422,
2 a person is guilty of a class [D] E felony and upon conviction shall be punished as provided by
3 law, if such person:

4 (1) Knowingly intercepts, endeavors to intercept, or procures any other person to
5 intercept or endeavor to intercept, any wire communication;

6 (2) Knowingly uses, endeavors to use, or procures any other person to use or endeavor
7 to use any electronic, mechanical, or other device to intercept any oral communication when such
8 device transmits communications by radio or interferes with the transmission of such
9 communication; provided, however, that nothing in sections 542.400 to 542.422 shall be
10 construed to prohibit the use by law enforcement officers of body microphones and transmitters
11 in undercover investigations for the acquisition of evidence and the protection of law
12 enforcement officers and others working under their direction in such investigations;

13 (3) Knowingly discloses, or endeavors to disclose, to any other person the contents of
14 any wire communication, when he knows or has reason to know that the information was
15 obtained through the interception of a wire communication in violation of this subsection; or

16 (4) Knowingly uses, or endeavors to use, the contents of any wire communication, when
17 he knows or has reason to know that the information was obtained through the interception of
18 a wire communication in violation of this subsection.

19 2. It is not unlawful under the provisions of sections 542.400 to 542.422:

20 (1) For an operator of a switchboard, or an officer, employee, or agent of any
21 communication common carrier, whose facilities are used in the transmission of a wire
22 communication, to intercept, disclose, or use that communication in the normal course of his
23 employment while engaged in any activity which is a necessary incident to the rendition of his
24 service or to the protection of the rights or property of the carrier of such communication,
25 however, communication common carriers shall not utilize service observing or random
26 monitoring except for mechanical or service quality control checks;

27 (2) For a person acting under law to intercept a wire or oral communication, where such
28 person is a party to the communication or where one of the parties to the communication has
29 given prior consent to such interception;

30 (3) For a person not acting under law to intercept a wire communication where such
31 person is a party to the communication or where one of the parties to the communication has
32 given prior consent to such interception unless such communication is intercepted for the
33 purpose of committing any criminal or tortious act.

[566.013.] **542.425.** In the course of a criminal investigation under [this] chapter **566 or**
2 **573**, when the venue of the alleged criminal conduct cannot be readily determined without
3 further investigation, the attorney general may request the prosecuting attorney of Cole County
4 to request a circuit or associate circuit judge of Cole County to issue a subpoena to any witness
5 who may have information for the purpose of oral examination under oath or to require access
6 to data or the production of books, papers, records, or other material of evidentiary nature at the
7 office of the attorney general. If, upon review of the evidence produced pursuant to the
8 subpoenas, it appears that a violation of [this] chapter **566 or 573** may have been committed, the
9 attorney general shall provide the evidence produced pursuant to subpoena to an appropriate
10 county prosecuting attorney or circuit attorney having venue over the criminal offense.

[577.039.] **544.218.** An arrest without a warrant by a law enforcement officer, including
2 a uniformed member of the state highway patrol, for a violation of section 577.010 or 577.012
3 is lawful whenever the arresting officer has reasonable grounds to believe that the person to be
4 arrested has violated the section, whether or not the violation occurred in the presence of the
5 arresting officer.

[577.680.] **544.472.** 1. If verification of the nationality or lawful immigration status of
2 any person who is charged and confined to jail for any period of time cannot be made from
3 documents in the possession of the prisoner or after a reasonable effort on the part of the

4 arresting agency to determine the nationality or immigration status of the person so confined,
5 verification shall be made by the arresting agency within forty-eight hours through a query to the
6 Law Enforcement Support Center (LESC) of the United States Department of Homeland
7 Security or other office or agency designated for that purpose by the United States Department
8 of Homeland Security. If it is determined that the prisoner is in the United States unlawfully, the
9 arresting agency shall notify the United States Department of Homeland Security. Until August
10 28, 2009, this section shall only apply to officers employed by the department of public safety
11 to include: the highway patrol, water patrol, capitol police, fire marshal's office, and division of
12 alcohol and tobacco control.

13 2. Nothing in this section shall be construed to deny any person bond or prevent a person
14 from being released from confinement if such person is otherwise eligible for release.

544.665. 1. In addition to the forfeiture of any security which was given or pledged for
2 a person's release, any person who, having been released upon a recognizance or bond pursuant
3 to any other provisions of law while pending preliminary hearing, trial, sentencing, appeal,
4 probation or parole revocation, or any other stage of a criminal matter against him or her,
5 knowingly fails to appear before any court or judicial officer as required shall be guilty of the
6 crime of failure to appear.

7 2. Failure to appear is:

8 (1) A class [D] E felony if the criminal matter for which the person was released
9 included a felony;

10 (2) A class A misdemeanor if the criminal matter for which the person was released
11 includes a misdemeanor or misdemeanors but no felony or felonies;

12 (3) An infraction if the criminal matter for which the person was released includes only
13 an infraction or infractions;

14 (4) An infraction if the criminal matter for which the person was released includes only
15 the violation of a municipal ordinance, provided that the sentence imposed shall not exceed the
16 maximum fine which could be imposed for the municipal ordinance for which the accused was
17 arrested.

18 3. Nothing in sections 544.040 to 544.665 shall prevent the exercise by any court of its
19 power to punish for contempt.

[566.135.] **545.940.** 1. Pursuant to a motion filed by the prosecuting attorney or circuit
2 attorney with notice given to the defense attorney and for good cause shown, in any criminal case
3 in which a defendant has been charged by the prosecuting attorney's office or circuit attorney's
4 office with any offense under [this chapter or pursuant to section 575.150, 567.020, 565.050,
5 565.060, 565.070,] **chapter 566 or section 565.050, assault in the first degree; 565.052,**
6 **assault in the second degree; 565.054, assault in the third degree; 565.056, assault in the**

7 **fourth degree; section 565.072, domestic assault in the first degree; section 565.073,**
8 **domestic assault in the second degree; section 565.074, [565.075, 565.081, 565.082, 565.083,]**
9 **domestic assault in the third degree; section 565.076, domestic assault in the fourth degree;**
10 **section 567.020, prostitution; section 568.045, endangering the welfare of a child in the first**
11 **degree; section 568.050, [or] endangering the welfare of a child in the second degree;**
12 **section 568.060, abuse of a child; section 575.150, resisting or interfering with an arrest;**
13 or paragraph (a), (b), or (c), of subdivision (2) of subsection 1 of section 191.677, **recklessly**
14 **exposing a person to HIV,** the court may order that the defendant be conveyed to a state-, city-,
15 or county-operated HIV clinic for testing for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea,
16 and chlamydia. The results of [the defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea,
17 and chlamydia] **such** tests shall be released to the victim and his or her parent or legal guardian
18 if the victim is a minor. The results of [the defendant's HIV, hepatitis B, hepatitis C, syphilis,
19 gonorrhea, and chlamydia] **such** tests shall also be released to the prosecuting attorney or circuit
20 attorney and the defendant's attorney. The state's motion to obtain said testing, the court's order
21 of the same, and the test results shall be sealed in the court file.

22 2. As used in this section, "HIV" means the human immunodeficiency virus that causes
23 acquired immunodeficiency syndrome.

556.011. [This code] **Chapters 556 to 580** shall be known and may be cited as "The
2 Criminal Code".

556.021. 1. [An offense defined by this code or by any other statute of this state
2 constitutes an infraction if it is so designated or if no other sentence than a fine, or fine and
3 forfeiture or other civil penalty is authorized upon conviction.

4 2.] An infraction does not constitute [a crime] **a criminal offense** and conviction of an
5 infraction shall not give rise to any disability or legal disadvantage based on conviction of a
6 [crime] **criminal offense**.

7 [3.] 2. Except as otherwise provided by law, the procedure for infractions shall be the
8 same as for a misdemeanor.

9 [4.] 3. If a [defendant] **person** fails to appear in court either solely for an infraction or
10 for an infraction which is committed in the same course of conduct as a criminal offense for
11 which the [defendant] **person** is charged, or if a [defendant] **person** fails to respond to notice of
12 an infraction from the central violations bureau established in section 476.385, the court may
13 issue a default judgment for court costs and fines for the infraction which shall be enforced in
14 the same manner as other default judgments, including enforcement under sections 488.5028 and
15 488.5030, unless the court determines that good cause or excusable neglect exists for the
16 [defendant's] **person's** failure to appear for the infraction. The notice of entry of default
17 judgment and the amount of fines and costs imposed shall be sent to the [defendant] **person** by

18 first class mail. The default judgment may be set aside for good cause if the [defendant] **person**
19 files a motion to set aside the judgment within six months of the date the notice of entry of
20 default judgment is mailed.

21 [5.] **4.** Notwithstanding subsection [4] **3** of this section or any provisions of law to the
22 contrary, a court may issue a warrant for failure to appear for any violation which is classified
23 as an infraction.

24 [6.] **5.** Judgment against the defendant for an infraction shall be in the amount of the fine
25 authorized by law and the court costs for the offense.

26 [7. Subsections 3 to 6 of this section shall become effective January 1, 2012.]

2 556.026. No conduct constitutes an offense **or infraction** unless made so by this code
or by other applicable statute.

2 556.036. 1. A prosecution for murder, [forcible] rape **in the first degree**, attempted
2 [forcible] rape **in the first degree**, [forcible] sodomy **in the first degree**, attempted [forcible]
3 sodomy **in the first degree**, or any class A felony may be commenced at any time.

4 2. Except as otherwise provided in this section, prosecutions for other offenses must be
5 commenced within the following periods of limitation:

6 (1) For any felony, three years, except as provided in subdivision (4) of this subsection;

7 (2) For any misdemeanor, one year;

8 (3) For any infraction, six months;

9 (4) For any violation of section 569.040, when classified as a class B felony, or any
10 violation of section 569.050 or 569.055, five years.

11 3. If the period prescribed in subsection 2 of this section has expired, a prosecution may
12 nevertheless be commenced for:

13 (1) Any offense a material element of which is either fraud or a breach of fiduciary
14 obligation within one year after discovery of the offense by an aggrieved party or by a person
15 who has a legal duty to represent an aggrieved party and who is himself or herself not a party to
16 the offense, but in no case shall this provision extend the period of limitation by more than three
17 years. As used in this subdivision, the term "person who has a legal duty to represent an
18 aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having
19 jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections
20 407.511 to 407.556; and

21 (2) Any offense based upon misconduct in office by a public officer or employee at any
22 time when the [defendant] **person** is in public office or employment or within two years
23 thereafter, but in no case shall this provision extend the period of limitation by more than three
24 years; and

25 (3) Any offense based upon an intentional and willful fraudulent claim of child support
26 arrearage to a public servant in the performance of his or her duties within one year after
27 discovery of the offense, but in no case shall this provision extend the period of limitation by
28 more than three years.

29 4. An offense is committed either when every element occurs, or, if a legislative purpose
30 to prohibit a continuing course of conduct plainly appears, at the time when the course of
31 conduct or the [defendant's] **person's** complicity therein is terminated. Time starts to run on the
32 day after the offense is committed.

33 5. A prosecution is commenced for a misdemeanor or infraction when the information
34 is filed and for a felony when the complaint or indictment is filed.

35 6. The period of limitation does not run:

36 (1) During any time when the accused is absent from the state, but in no case shall this
37 provision extend the period of limitation otherwise applicable by more than three years; or

38 (2) During any time when the accused is concealing himself from justice either within
39 or without this state; or

40 (3) During any time when a prosecution against the accused for the offense is pending
41 in this state; or

42 (4) During any time when the accused is found to lack mental fitness to proceed pursuant
43 to section 552.020.

556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful
2 sexual offenses involving a person eighteen years of age or under must be commenced within
3 thirty years after the victim reaches the age of eighteen [unless] , **and the following** prosecutions
4 [are for forcible rape, attempted forcible rape, forcible sodomy, kidnapping, or attempted forcible
5 sodomy in which case such prosecutions may be commenced at any time] **may be commenced**
6 **at any time:**

7 (1) **Kidnapping;**

8 (2) **An offense committed on after August 28, 2012, of rape in the first degree,**
9 **attempted rape in the first degree, sodomy in the first degree, attempted sodomy in the first**
10 **degree, attempted forcible sodomy; or**

11 (3) **An offense committed prior to August 28, 2012, of forcible rape, attempted**
12 **forcible rape, forcible sodomy, or attempted forcible sodomy.**

[565.255.] **556.038.** Notwithstanding the provisions of section 556.036, either
2 misdemeanor or felony prosecutions under sections [565.250] **565.252** to 565.257 shall be
3 commenced within the following periods of limitation:

4 (1) Three years from the date the viewing, photographing or filming occurred; or

5 (2) If the person who was viewed, photographed or filmed did not realize at the time that
6 he was being viewed, photographed or filmed, within three years of the time the person who was
7 viewed or in the photograph or film first learns that he was viewed, photographed or filmed.

556.041. When the same conduct of a person may establish the commission of more than
2 one offense he **or she** may be prosecuted for each such offense. [He] **Such person** may not,
3 however, be convicted of more than one offense if:

4 (1) One offense is included in the other, as defined in section 556.046; or

5 (2) Inconsistent findings of fact are required to establish the commission of the offenses;
6 or

7 (3) The offenses differ only in that one is defined to prohibit a designated kind of
8 conduct generally and the other to prohibit a specific instance of such conduct; or

9 (4) The offense is defined as a continuing course of conduct and the person's course of
10 conduct was uninterrupted, unless the law provides that specific periods of such conduct
11 constitute separate offenses.

556.046. 1. A [defendant] **person** may be convicted of an offense included in an offense
2 charged in the indictment or information. An offense is so included when:

3 (1) It is established by proof of the same or less than all the facts required to establish
4 the commission of the offense charged; or

5 (2) It is specifically denominated by statute as a lesser degree of the offense charged; or

6 (3) It consists of an attempt to commit the offense charged or to commit an offense
7 otherwise included therein.

8 2. The court shall not be obligated to charge the jury with respect to an included offense
9 unless there is a basis for a verdict acquitting the [defendant] **person** of the offense charged and
10 convicting him of the included offense. An offense is charged for purposes of this section if:

11 (1) It is in an indictment or information; or

12 (2) It is an offense submitted to the jury because there is a basis for a verdict acquitting
13 the [defendant] **person** of the offense charged and convicting the [defendant] **person** of the
14 included offense.

15 3. The court shall be obligated to instruct the jury with respect to a particular included
16 offense only if there is a basis in the evidence for acquitting the [defendant] **person** of the
17 immediately higher included offense and there is a basis in the evidence for convicting the
18 [defendant] **person** of that particular included offense.

556.061. In this code, unless the context requires a different definition, the following
2 [shall apply] **terms shall mean:**

3 (1) "Access", to instruct, communicate with, store data in, retrieve or extract data
4 from, or otherwise make any use of any resources of, a computer, computer system, or
5 computer network;

6 (2) "Affirmative defense" [has the meaning specified in section 556.056] :

7 (a) The defense referred to is not submitted to the trier of fact unless supported by
8 evidence; and

9 (b) If the defense is submitted to the trier of fact the defendant has the burden of
10 persuasion that the defense is more probably true than not;

11 [(2)] (3) "Burden of injecting the issue" [has the meaning specified in section 556.051]
12 :

13 (a) The issue referred to is not submitted to the trier of fact unless supported by
14 evidence; and

15 (b) If the issue is submitted to the trier of fact any reasonable doubt on the issue
16 requires a finding for the defendant on that issue;

17 [(3)] (4) "Commercial film and photographic print processor", any person who develops
18 exposed photographic film into negatives, slides or prints, or who makes prints from negatives
19 or slides, for compensation. The term commercial film and photographic print processor shall
20 include all employees of such persons but shall not include a person who develops film or makes
21 prints for a public agency;

22 (5) "Computer", the box that houses the central processing unit (cpu), along with
23 any internal storage devices, such as internal hard drives, and internal communication
24 devices, such as internal modems capable of sending or receiving electronic mail or fax
25 cards, along with any other hardware stored or housed internally. Thus, computer refers
26 to hardware, software and data contained in the main unit. Printers, external modems
27 attached by cable to the main unit, monitors, and other external attachments will be
28 referred to collectively as peripherals and discussed individually when appropriate. When
29 the computer and all peripherals are referred to as a package, the term "computer system"
30 is used. Information refers to all the information on a computer system including both
31 software applications and data;

32 (6) "Computer equipment", includes computers, terminals, data storage devices,
33 and all other computer hardware associated with a computer system or network;

34 (7) "Computer hardware", includes all equipment which can collect, analyze,
35 create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar
36 computer impulses or data. Hardware includes, but is not limited to, any data processing
37 devices, such as central processing units, memory typewriters and self-contained laptop or
38 notebook computers; internal and peripheral storage devices, transistor-like binary devices

39 **and other memory storage devices, such as floppy disks, removable disks, compact disks,**
40 **digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area**
41 **networks, such as two or more computers connected together to a central computer server**
42 **via cable or modem; peripheral input or output devices, such as keyboards, printers,**
43 **scanners, plotters, video display monitors and optical readers; and related communication**
44 **devices, such as modems, cables and connections, recording equipment, RAM or ROM**
45 **units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing**
46 **or signaling devices and electronic tone-generating devices; as well as any devices,**
47 **mechanisms or parts that can be used to restrict access to computer hardware, such as**
48 **physical keys and locks;**

49 **(8) "Computer network", a complex consisting of two or more interconnected**
50 **computers or computer systems;**

51 **(9) "Computer program", a set of instructions, statements, or related data that**
52 **directs or is intended to direct a computer to perform certain functions;**

53 **(10) "Computer software", digital information which can be interpreted by a**
54 **computer and any of its related components to direct the way they work. Software is**
55 **stored in electronic, magnetic, optical or other digital form. The term commonly includes**
56 **programs to run operating systems and applications, such as word processing, graphic, or**
57 **spreadsheet programs, utilities, compilers, interpreters and communications programs;**

58 **(11) "Computer-related documentation", includes written, recorded, printed or**
59 **electronically stored material which explains or illustrates how to configure or use**
60 **computer hardware, software or other related items;**

61 **(12) "Computer system", a set of related, connected or unconnected, computer**
62 **equipment, data, or software;**

63 **[(4)] (13) "Confinement":**

64 **(a) A person is in confinement when [such person] he or she is held in a place of**
65 **confinement pursuant to arrest or order of a court, and remains in confinement until:**

- 66 **a. A court orders the person's release; or**
67 **b. The person is released on bail, bond, or recognizance, personal or otherwise; or**
68 **c. A public servant having the legal power and duty to confine the person authorizes his**
69 **release without guard and without condition that he return to confinement;**

70 **(b) A person is not in confinement if:**

- 71 **a. The person is on probation or parole, temporary or otherwise; or**
72 **b. The person is under sentence to serve a term of confinement which is not continuous,**
73 **or is serving a sentence under a work-release program, and in either such case is not being held**

74 in a place of confinement or is not being held under guard by a person having the legal power
75 and duty to transport the person to or from a place of confinement;

76 [(5)] **(14) "Consent":** consent or lack of consent may be expressed or implied. Assent
77 does not constitute consent if:

78 (a) It is given by a person who lacks the mental capacity to authorize the conduct charged
79 to constitute the offense and such mental incapacity is manifest or known to the actor; or

80 (b) It is given by a person who by reason of youth, mental disease or defect, or
81 intoxication, **a drug-induced state, or any other reason** is manifestly unable or known by the
82 actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct
83 charged to constitute the offense; or

84 (c) It is induced by force, duress or deception;

85 **(15) "Controlled substance", a drug substance, or immediate precursor in**
86 **schedules I through V as defined in this chapter;**

87 [(6)] **(16) "Criminal negligence"** [has the meaning specified in section 562.016] , **failure**
88 **to be aware of a substantial and unjustifiable risk that circumstances exist or a result will**
89 **follow, and such failure constitutes a gross deviation from the standard of care which a**
90 **reasonable person would exercise in the situation;**

91 [(7)] **(17) "Custody",** a person is in custody when [the person] **he or she** has been
92 arrested but has not been delivered to a place of confinement;

93 **(18) "Damage", when used in relation to a computer system or network, means any**
94 **alteration, deletion, or destruction of any part of the computer system or network;**

95 [(8)] **(19) "Dangerous felony"** [means] , the felonies of arson in the first degree, assault
96 in the first degree, [attempted forcible rape if physical injury results, attempted forcible sodomy
97 if physical injury results, forcible rape, forcible sodomy,] **assault in the second degree if the**
98 **victim of such assault is a special victim as defined in subdivision (14) of section 565.002,**
99 **attempted rape in the first degree if injury results, attempted sodomy in the first degree if**
100 **injury results, rape in the first degree, sodomy in the first degree, kidnapping, murder in the**
101 **second degree, [assault of a law enforcement officer in the first degree,] domestic assault in the**
102 **first degree, [elder abuse in the first degree,] robbery in the first degree, statutory rape in the first**
103 **degree when the victim is a child less than twelve years of age at the time of the commission of**
104 **the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child**
105 **less than twelve years of age at the time of the commission of the act giving rise to the offense,**
106 **child molestation in the first degree, and, abuse of a child pursuant to subdivision (2) of**
107 **subsection [3] 2 of section 568.060, child kidnapping, and [parental kidnapping committed by**
108 **detaining or concealing the whereabouts of the child for not less than one hundred twenty days**
109 **under section 565.153] an "intoxication-related traffic offense" or "intoxication-related**

110 **boating offense" as defined in section 577.001 if the person is found to be a "habitual**
111 **offender" as defined under subdivision (11) of subsection 5 of section 577.001, and offenses**
112 **committed before August 28, 2013, of attempted forcible rape if physical injury results,**
113 **attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, assault**
114 **of a law enforcement officer in the first degree, and first degree elder abuse;**

115 [(9)] (20) "Dangerous instrument" [means] , any instrument, article or substance, which,
116 under the circumstances in which it is used, is readily capable of causing death or other serious
117 physical injury;

118 (21) "Data", a representation of information, facts, knowledge, concepts, or
119 instructions prepared in a formalized or other manner and intended for use in a computer
120 or computer network. Data may be in any form including, but not limited to, printouts,
121 microfiche, magnetic storage media, punched cards and as may be stored in the memory
122 of a computer;

123 [(10)] (22) "Deadly weapon" [means] , any firearm, loaded or unloaded, or any weapon
124 from which a shot, readily capable of producing death or serious physical injury, may be
125 discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles;

126 (23) "Digital camera", a camera that records images in a format which enables the
127 images to be downloaded into a computer;

128 (24) "Disabled person", any person suffering from a mental or physical impairment
129 that substantially limits one or more major life activities, whether the impairment is
130 congenital or acquired by accident, injury or disease, where such impairment is verified
131 by medical findings;

132 [(11)] (25) "Felony" [has the meaning specified in section 556.016] , an offense so
133 designated or an offense for which persons found guilty thereof may be sentenced to death
134 or imprisonment for a term of more than one year;

135 (26) "Elderly person", a person seventy years of age or older;

136 [(12)] (27) "Forcible compulsion" means either:

137 (a) Physical force that overcomes reasonable resistance; or

138 (b) A threat, express or implied, that places a person in reasonable fear of death, serious
139 physical injury or kidnapping of such person or another person;

140 [(13)] (28) "Incapacitated" [means that] , a temporary or permanent physical or
141 mental condition, [temporary or permanent,] in which a person is unconscious, unable to appraise
142 the nature of [such person's] his or her conduct, or unable to communicate unwillingness to an
143 act[. A person is not incapacitated with respect to an act committed upon such person if he or
144 she became unconscious, unable to appraise the nature of such person's conduct or unable to
145 communicate unwillingness to an act, after consenting to the act];

146 [(14)] **(29) "Infraction" [has the meaning specified in section 556.021] , a violation**
147 **defined by this code or by any other statute of this state constitutes an infraction if it is so**
148 **designated or if no other sentence than a fine, or fine and forfeiture or other civil penalty**
149 **is authorized upon conviction;**

150 [(15)] **(30) "Inhabitable structure" [has the meaning specified in section 569.010] , a**
151 **vehicle, vessel or structure:**

152 **(a) Where any person lives or carries on business or other calling; or**

153 **(b) Where people assemble for purposes of business, government, education,**
154 **religion, entertainment, or public transportation; or**

155 **(c) Which is used for overnight accommodation of persons. Any such vehicle or**
156 **structure is "inhabitable" regardless of whether a person is actually present;**

157 **(d) If a building or structure is divided into separately occupied units, any unit not**
158 **occupied by the actor is an "inhabitable structure of another";**

159 [(16)] **(31) "Knowingly" [has the meaning specified in section 562.016] , when used**
160 **with respect to:**

161 **(a) Conduct or to attendant circumstances, means a person is aware of the nature**
162 **of his or conduct or that those circumstances exist; or**

163 **(b) A result of conduct, means a person is aware that his or her conduct is**
164 **practically certain to cause that result;**

165 [(17)] **(32) "Law enforcement officer" [means] , any public servant having both the**
166 **power and duty to make arrests for violations of the laws of this state, and federal law**
167 **enforcement officers authorized to carry firearms and to make arrests for violations of the laws**
168 **of the United States;**

169 [(18)] **(33) "Misdemeanor" [has the meaning specified in section 556.016] , an offense**
170 **so designated or an offense for which persons found guilty thereof may be sentenced to**
171 **imprisonment for a term of which the maximum is one year or less;**

172 [(19)] **(34) "Offense" [means] , any felony[,] or misdemeanor [or infraction];**

173 **(35) "Of another", property that any entity, including but not limited to any**
174 **natural person, corporation, limited liability company, partnership, association,**
175 **governmental subdivision or instrumentality, other than the actor, has a possessory or**
176 **proprietary interest therein, except that property shall not be deemed property of another**
177 **who has only a security interest therein, even if legal title is in the creditor pursuant to a**
178 **conditional sales contract or other security arrangement;**

179 [(20)] **(36) "Physical injury" [means physical pain, illness, or any impairment of physical**
180 **condition] , slight impairment of any function of the body or temporary loss of use of any**
181 **part of the body;**

182 [(21)] (37) "Place of confinement" [means] , any building or facility and the grounds
183 thereof wherein a court is legally authorized to order that a person charged with or convicted of
184 a crime be held;

185 [(22)] (38) "Possess" or "possessed" [means] , having actual or constructive possession
186 of an object with knowledge of its presence. A person has actual possession if such person has
187 the object on his or her person or within easy reach and convenient control. A person has
188 constructive possession if such person has the power and the intention at a given time to exercise
189 dominion or control over the object either directly or through another person or persons.
190 Possession may also be sole or joint. If one person alone has possession of an object, possession
191 is sole. If two or more persons share possession of an object, possession is joint;

192 (39) "Property", anything of value, whether real or personal, tangible or intangible,
193 in possession or in action;

194 [(23)] (40) "Public servant" [means] , any person employed in any way by a government
195 of this state who is compensated by the government by reason of such person's employment, any
196 person appointed to a position with any government of this state, or any person elected to a
197 position with any government of this state. It includes, but is not limited to, legislators, jurors,
198 members of the judiciary and law enforcement officers. It does not include witnesses;

199 [(24)] (41) "Purposely" [has the meaning specified in section 562.016] , **when used with**
200 **respect to a person's conduct or to a result thereof, means when it is his or her conscious**
201 **object to engage in that conduct or to cause that result;**

202 [(25)] (42) "Recklessly" [has the meaning specified in section 562.016] , **consciously**
203 **disregarding a substantial and unjustifiable risk that circumstances exist or that a result**
204 **will follow, and such disregard constitutes a gross deviation from the standard of care**
205 **which a reasonable person would exercise in the situation;**

206 [(26) "Ritual" or "ceremony" means an act or series of acts performed by two or more
207 persons as part of an established or prescribed pattern of activity;

208 (27)] (43) "Serious emotional injury", an injury that creates a substantial risk of
209 temporary or permanent medical or psychological damage, manifested by impairment of a
210 behavioral, cognitive or physical condition. Serious emotional injury shall be established by
211 testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable
212 degree of medical or psychological certainty;

213 [(28)] (44) "Serious physical injury" [means] , physical injury that creates a substantial
214 risk of death or that causes serious disfigurement or protracted loss or impairment of the function
215 of any part of the body;

216 [(29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse;
217 sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area,
218 buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

219 (30) "Sexual contact" means any touching of the genitals or anus of any person, or the
220 breast of any female person, or any such touching through the clothing, for the purpose of
221 arousing or gratifying sexual desire of any person;

222 (31) "Sexual performance", any performance, or part thereof, which includes sexual
223 conduct by a child who is less than seventeen years of age;]

224 (45) "Services", when used in relation to a computer system or network, means use
225 of a computer, computer system, or computer network and includes, but is not limited to,
226 computer time, data processing, and storage or retrieval functions;

227 (46) "Sexual orientation", male or female heterosexuality, homosexuality or
228 bisexuality by inclination, practice, identity or expression, or having a self-image or
229 identity not traditionally associated with one's gender;

230 (47) "Vehicle", a self-propelled mechanical device designed to carry a person or
231 persons, excluding vessels or aircraft;

232 (48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or
233 not such motor or machinery is a principal source of propulsion used or capable of being
234 used as a means of transportation on water, or any boat or craft more than twelve feet in
235 length which is powered by sail alone or by a combination of sail and machinery, and used
236 or capable of being used as a means of transportation on water, but not any boat or craft
237 having, as the only means of propulsion, a paddle or oars;

238 [(32)] (49) "Voluntary act" [has the meaning specified in section 562.011] :

239 (a) A bodily movement performed while conscious as a result of effort or
240 determination. Possession is a voluntary act if the possessor knowingly procures or
241 receives the thing possessed, or having acquired control of it was aware of his control for
242 a sufficient time to have enabled him to dispose of it or terminate his control; or

243 (b) An omission to perform an act of which the actor is physically capable. A
244 person is not guilty of an offense based solely upon an omission to perform an act unless
245 the law defining the offense expressly so provides, or a duty to perform the omitted act is
246 otherwise imposed by law.

[565.100.] **556.101.** 1. It is an element of the offenses described in sections 565.110
2 [through 565.130 of this chapter] to **565.130** that the confinement, movement or restraint be
3 committed without the consent of the victim.

4 2. Lack of consent results from:

5 (1) Forcible compulsion; or

6 (2) Incapacity to consent.

7 3. A person is deemed incapable of consent if he is

8 (1) Less than fourteen years [old] **of age**; or

9 (2) Incapacitated.

557.016. 1. Felonies are classified for the purpose of sentencing into the following
2 [four] **five** categories:

3 (1) Class A felonies;

4 (2) Class B felonies;

5 (3) Class C felonies; [and]

6 (4) Class D felonies; **and**

7 **(5) Class E felonies.**

8 2. Misdemeanors are classified for the purpose of sentencing into the following [three]
9 **four** categories:

10 (1) Class A misdemeanors;

11 (2) Class B misdemeanors; [and]

12 (3) Class C misdemeanors; **and**

13 **(4) Class D misdemeanors.**

14 3. Infractions are not further classified.

557.021. 1. Any offense defined outside this code which is declared to be a
2 misdemeanor without specification of the penalty therefor is a class A misdemeanor.

3 2. Any offense defined outside this code which is declared to be a felony without
4 specification of the penalty therefor is a class [D] **E** felony.

5 3. For the purpose of applying the extended term provisions of section 558.016 and the
6 minimum prison term provisions of section 558.019 and for determining the penalty for attempts
7 and conspiracies, offenses defined outside of this code shall be classified as follows:

8 (1) If the offense is a felony:

9 (a) It is a class A felony if the authorized penalty includes death, life imprisonment or
10 imprisonment for a term of twenty years or more;

11 (b) It is a class B felony if the maximum term of imprisonment authorized exceeds ten
12 years but is less than twenty years;

13 (c) It is a class C felony if the maximum term of imprisonment authorized is ten years;

14 (d) It is a class D felony if the maximum term of imprisonment is less than ten years;

15 **(e) It is a class E felony if the maximum term of imprisonment is four years;**

16 (2) If the offense is a misdemeanor:

17 (a) It is a class A misdemeanor if the authorized imprisonment exceeds six months in
18 jail;

19 (b) It is a class B misdemeanor if the authorized imprisonment exceeds thirty days but
20 is not more than six months;

21 (c) It is a class C misdemeanor if the authorized imprisonment is thirty days or less;

22 (d) **It is a class D misdemeanor if it includes a mental state as an element of the**
23 **offense and there is no authorized imprisonment;**

24 (e) It is an infraction if there is no authorized imprisonment.

557.026. 1. When a probation officer is available to any court, such probation officer
2 shall, unless waived by the defendant, [make] **conduct** a presentence investigation in all felony
3 cases and **make a sentencing assessment** report to the court before any authorized disposition
4 **is made** under section 557.011. In all class A misdemeanor cases a probation officer shall, if
5 directed by the court, [make] **conduct** a presentence investigation and **make a sentencing**
6 **assessment** report to the court before any authorized disposition **is made** under section 557.011.
7 The report shall not be submitted to the court or its contents disclosed to anyone until the
8 defendant has [pleaded guilty or] been found guilty.

9 2. The [presentence investigation] **sentencing assessment** report shall be prepared,
10 presented and utilized as provided by rule of court, except that no court shall prevent the
11 defendant or the attorney for the defendant from having access to the complete [presentence
12 investigation] **sentencing assessment** report and recommendations before any authorized
13 disposition **is made** under section 557.011.

14 3. The defendant shall not be obligated to make any statement to a probation officer in
15 connection with any [presentence investigation hereunder] **sentencing assessment report**.

16 4. When the jury enters a finding of [guilty] **guilt** and assesses punishment, the probation
17 officer shall, as part of the presentence investigation, inquire of the victim of the offense for
18 which such punishment was assessed of the facts of the offense and any personal injury or
19 financial loss incurred by the victim. If the victim is dead or otherwise unable to make a
20 statement, the probation officer shall attempt to obtain such information from a member of the
21 immediate family of the victim.

557.031. 1. In felony cases where the circumstances surrounding the commission of the
2 [crime] **offense** or other circumstances brought to the attention of the court indicate a strong
3 likelihood that the defendant is suffering from a mental disease or disorder, and the court desires
4 more detailed information about the defendant's mental condition before making an authorized
5 disposition under section 557.011, it may order the commitment of the defendant for mental
6 examination.

7 2. The court may commit the defendant to a facility of the department of mental health
8 or to a hospital and order the defendant examined by such person or persons as the court or that
9 department or hospital may designate. The cost of guarding and transporting any confined

10 defendant to and from any such facility or other place of examination shall be borne by the
11 county. Any commitment shall be for a period not exceeding thirty days unless extended by the
12 order of the court.

13 3. Within forty days after the order the person or persons making such examination or
14 examinations shall transmit to the court a report thereof including answers to any specific
15 questions submitted by the court. The clerk of the court shall immediately supply copies of the
16 report to the prosecuting attorney and to the defendant or his attorney.

17 4. Any period of commitment to a facility of the department of mental health or to a
18 hospital for the purpose of this section shall be credited against any term of imprisonment
19 imposed upon the defendants.

557.035. 1. For all violations of subdivision (1) of subsection 1 of section 569.100 or
2 [subdivision (1), (2), (3), (4), (6), (7) or (8) of] subsection 1 of section [571.030] **571.031,**
3 **subdivision (2) of subsection 1 of section 571.033, subsection 1 of section 571.034, section**
4 **571.036, or subdivision (2) of subsection 1 of section 571.038,** which the state believes to be
5 knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or
6 disability of the victim or victims, the state may charge the [crime or crimes] **offense or offenses**
7 under this section, and the violation is a class [C] **D** felony.

8 2. For all violations of section [565.070] **565.054;** subdivisions (1), (3) and (4) of
9 subsection 1 of section 565.090; subdivision (1) of subsection 1 of section 569.090; subdivision
10 (1) of subsection 1 of section 569.120; section 569.140; or section 574.050; which the state
11 believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual
12 orientation or disability of the victim or victims, the state may charge the [crime or crimes]
13 **offense or offenses** under this section, and the violation is a class [D] **E** felony.

14 3. The court shall assess punishment in all of the cases in which the state pleads and
15 proves any of the motivating factors listed in this section.

16 [4. For the purposes of this section, the following terms mean:

17 (1) "Disability", a physical or mental impairment which substantially limits one or more
18 of a person's major life activities, being regarded as having such an impairment, or a record of
19 having such an impairment; and

20 (2) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality
21 by inclination, practice, identity or expression, or having a self-image or identity not traditionally
22 associated with one's gender.]

557.036. 1. Upon a finding of guilt [upon verdict or plea], the court shall decide the
2 extent or duration of sentence or other disposition to be imposed under all the circumstances,
3 having regard to the nature and circumstances of the offense and the history and character of the
4 defendant and render judgment accordingly.

5 2. Where an offense is submitted to the jury, the trial shall proceed in two stages. At the
6 first stage, the jury shall decide only whether the defendant is guilty or not guilty of any
7 submitted offense. The issue of punishment shall not be submitted to the jury at the first stage.

8 3. If the jury at the first stage of a trial finds the defendant guilty of the submitted
9 offense, the second stage of the trial shall proceed. The issue at the second stage of the trial shall
10 be the punishment to be assessed and declared. Evidence supporting or mitigating punishment
11 may be presented. Such evidence may include, within the discretion of the court, evidence
12 concerning the impact of the [crime] **offense** upon the victim, the victim's family and others, the
13 nature and circumstances of the offense, and the history and character of the defendant. Rebuttal
14 and surrebuttal evidence may be presented. The state shall be the first to proceed. The court
15 shall instruct the jury as to the range of punishment authorized by statute for each submitted
16 offense. The attorneys may argue the issue of punishment to the jury, and the state shall have
17 the right to open and close the argument. The jury shall assess and declare the punishment as
18 authorized by statute.

19 4. A second stage of the trial shall not proceed and the court, and not the jury, shall
20 assess punishment if:

21 (1) The defendant requests in writing, prior to voir dire, that the court assess the
22 punishment in case of a finding of guilt; or

23 (2) The state pleads and proves the defendant is a prior offender, persistent offender,
24 dangerous offender, or persistent misdemeanor offender as defined in section 558.016, **or** a
25 persistent sexual offender **or predatory sexual offender** as defined in section [558.018, or a
26 predatory sexual offender as defined in section 558.018] **566.125**. If the jury cannot agree on the
27 punishment to be assessed, the court shall proceed as provided in subsection 1 of this section.
28 If, after due deliberation by the jury, the court finds the jury cannot agree on punishment, then
29 the court may instruct the jury that if it cannot agree on punishment that the court will assess
30 punishment.

31 5. If the jury returns a verdict of guilty in the first stage and declares a term of
32 imprisonment in the second stage, the court shall proceed as provided in subsection 1 of this
33 section except that any term of imprisonment imposed cannot exceed the term declared by the
34 jury unless the term declared by the jury is less than the authorized lowest term for the offense,
35 in which event the court cannot impose a term of imprisonment greater than the lowest term
36 provided for the offense.

37 6. If the defendant is found to be a prior offender, persistent offender, dangerous offender
38 or persistent misdemeanor offender as defined in section 558.016:

39 (1) If he has been found guilty of an offense, the court shall proceed as provided in
40 section 558.016; or

41 (2) If he has been found guilty of a class A felony, the court may impose any sentence
42 authorized for the class A felony.

43 7. The court shall not seek an advisory verdict from the jury in cases of prior offenders,
44 persistent offenders, dangerous offenders, persistent sexual offenders or predatory sexual
45 offenders; if an advisory verdict is rendered, the court shall not deem it advisory, but shall
46 consider it as mere surplusage.

**557.051. 1. A person who has been found guilty of an offense under chapter 566,
2 or any sex offense involving a child under chapters 568 and 573, and who is granted a
3 suspended imposition or execution of sentence or placed under the supervision of the board
4 of probation and parole shall be required to participate in and successfully complete a
5 program of treatment, education and rehabilitation designed for perpetrators of sexual
6 offenses. Persons required to attend a program under this section shall be required to
7 follow all directives of the treatment program provider, and may be charged a reasonable
8 fee to cover the costs of such program.**

9 **2. A person who provides assessment services or who makes a report, finding, or
10 recommendation for any offender to attend any counseling or program of treatment,
11 education or rehabilitation as a condition or requirement of probation following a finding
12 of guilt for an offense under chapter 566, or any sex offense involving a child under
13 chapters 568 and 573, shall not be related within the third degree of consanguinity or
14 affinity to any person who has a financial interest, whether direct or indirect, in the
15 counseling or program of treatment, education or rehabilitation or any financial interest,
16 whether direct or indirect, in any private entity which provides the counseling or program
17 of treatment, education or rehabilitation. A person who violates this subsection shall
18 thereafter:**

19 **(1) Immediately remit to the state of Missouri any financial income gained as a
20 direct or indirect result of the action constituting the violation;**

21 **(2) Be prohibited from providing assessment or counseling services or any program
22 of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in
23 contract with the state board of probation and parole or any office thereof; and**

24 **(3) Be prohibited from having any financial interest, whether direct or indirect, in
25 any private entity which provides assessment or counseling services or any program of
26 treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in
27 contract with the state board of probation and parole or any office thereof.**

28 **3. The provisions of subsection 2 of this section shall not apply when the
29 department of corrections has identified only one qualified service provider within
30 reasonably accessible distance from the offender or when the only providers available**

31 **within a reasonable distance are related within the third degree of consanguinity or affinity**
32 **to any person who has a financial interest in the service provider.**

[560.011.] **558.002.** 1. **Except as otherwise provided for an offense outside this code,**
2 a person who has been convicted of [a class C or D felony] **an offense** may be sentenced
3 [(1)] to pay a fine which does not exceed [five thousand dollars; or
4 (2)] :
5 **(1) For a class C, D, or E felony, ten thousand dollars;**
6 **(2) For a class A misdemeanor, two thousand dollars;**
7 **(3) For a class B misdemeanor, one thousand dollars;**
8 **(4) For a class C misdemeanor, seven hundred fifty dollars;**
9 **(5) For a class D misdemeanor, five hundred dollars;**
10 **(6) For an infraction, four hundred dollars; or**
11 **(7) If the [offender] person has gained money or property through the commission of**
12 **the [crime] offense, to pay an amount, fixed by the court, not exceeding double the amount of**
13 **the [offender's] person's gain from the commission of the [crime. An individual offender may**
14 **be fined not more than twenty thousand dollars under this provision] offense.**

15 2. **A sentence to pay a fine, when imposed on a corporation for an offense defined**
16 **in this code or for any offense defined outside this code for which no specific corporate fine**
17 **is specified, shall be a sentence to pay an amount, fixed by the court, which does not**
18 **exceed:**

19 **(1) For a felony, twenty thousand dollars;**
20 **(2) For a misdemeanor, ten thousand dollars;**
21 **(3) For an infraction, one thousand dollars; or**
22 **(4) If the corporation has gained money or property through the commission of the**
23 **offense, to pay an amount, fixed by the court, not exceeding double the amount of the**
24 **corporation's gain from the commission of the offense.**

25 3. As used in this section the term "gain" means the amount of money or the value of
26 property derived from the commission of the [crime] **offense.** The amount of money or value
27 of property returned to the victim of the [crime] **offense** or seized by or surrendered to lawful
28 authority prior to the time sentence is imposed shall be deducted from the fine. When the court
29 imposes a fine based on gain the court shall make a finding as to the amount of the offender's
30 gain from the crime. If the record does not contain sufficient evidence to support such a finding,
31 the court may conduct a hearing upon the issue.

32 [3. The provisions of this section shall not apply to corporations.]

[560.026.] **558.004.** 1. In determining the amount and the method of payment of a fine,
2 the court shall, insofar as practicable, proportion the fine to the burden that payment will impose

3 in view of the financial resources of an individual. The court shall not sentence an offender to
4 pay a fine in any amount which will prevent him **or her** from making restitution or reparation
5 to the victim of the offense.

6 2. When any other disposition is authorized by statute, the court shall not sentence an
7 individual to pay a fine only unless, having regard to the nature and circumstances of the offense
8 and the history and character of the offender, it is of the opinion that the fine alone will suffice
9 for the protection of the public.

10 3. The court shall not sentence an individual to pay a fine in addition to any other
11 sentence authorized by section 557.011 unless

12 (1) He **or she** has derived a pecuniary gain from the offense; or

13 (2) The court is of the opinion that a fine is uniquely adapted to deterrence of the type
14 of offense involved or to the correction of the defendant.

15 4. When an offender is sentenced to pay a fine, the court may provide for the payment
16 to be made within a specified period of time or in specified installments. If no such provision
17 is made a part of the sentence, the fine shall be payable forthwith.

18 5. When an offender is sentenced to pay a fine, the court shall not impose at the same
19 time an alternative sentence to be served in the event that the fine is not paid. The response of
20 the court to nonpayment shall be determined only after the fine has not been paid, as provided
21 in section [560.031] **558.006**.

[560.031.] **558.006**. 1. When an offender sentenced to pay a fine defaults in the payment
2 of the fine or in any installment, the court upon motion of the prosecuting attorney or upon its
3 own motion may require him **or her** to show cause why he **or she** should not be imprisoned for
4 nonpayment. The court may issue a warrant of arrest or a summons for his **or her** appearance.

5 2. Following an order to show cause under subsection 1 **of this section**, unless the
6 offender shows that his **or her** default was not attributable to an intentional refusal to obey the
7 sentence of the court, or not attributable to a failure on his **or her** part to make a good faith effort
8 to obtain the necessary funds for payment, the court may order the defendant imprisoned for a
9 term not to exceed one hundred eighty days if the fine was imposed for conviction of a felony
10 or thirty days if the fine was imposed for conviction of a misdemeanor or infraction. The court
11 may provide in its order that payment or satisfaction of the fine at any time will entitle the
12 offender to his **or her** release from such imprisonment or, after entering the order, may at any
13 time reduce the sentence for good cause shown, including payment or satisfaction of the fine.

14 3. If it appears that the default in the payment of a fine is excusable under the standards
15 set forth in subsection 2 **of this section**, the court may enter an order allowing the offender
16 additional time for payment, reducing the amount of the fine or of each installment, or revoking
17 the fine or the unpaid portion in whole or in part.

18 4. When a fine is imposed on a corporation it is the duty of the person or persons
19 authorized to make disbursement of the assets of the corporation and their superiors to pay the
20 fine from the assets of the corporation. The failure of such persons to do so shall render them
21 subject to imprisonment under subsections 1 and 2 **of this section.**

22 5. Upon default in the payment of a fine or any installment thereof, the fine may be
23 collected by any means authorized for the enforcement of money judgments.

 [560.036.] **558.008.** A defendant who has been sentenced to pay a fine may at any time
2 petition the sentencing court for a revocation of a fine or any unpaid portion thereof. If it appears
3 to the satisfaction of the court that the circumstances which warranted the imposition of the fine
4 no longer exist or that it would otherwise be unjust to require payment of the fine, the court may
5 revoke the fine or the unpaid portion in whole or in part or may modify the method of payment.

 558.011. 1. The authorized terms of imprisonment, including both prison and
2 conditional release terms, are:

3 (1) For a class A felony, a term of years not less than ten years and not to exceed thirty
4 years, or life imprisonment;

5 (2) For a class B felony, a term of years not less than five years and not to exceed fifteen
6 years;

7 (3) For a class C felony, a term of years **not less than three years and** not to exceed
8 [seven] **ten** years;

9 (4) For a class D felony, a term of years not to exceed [four] **seven** years;

10 (5) **For a class E felony, a term of years not to exceed four years;**

11 **(6)** For a class A misdemeanor, a term not to exceed one year;

12 [(6)] **(7)** For a class B misdemeanor, a term not to exceed six months;

13 [(7)] **(8)** For a class C misdemeanor, a term not to exceed fifteen days.

14 2. In cases of class [C and] **D and E** felonies, the court shall have discretion to imprison
15 for a special term not to exceed one year in the county jail or other authorized penal institution,
16 and the place of confinement shall be fixed by the court. If the court imposes a sentence of
17 imprisonment for a term longer than one year upon a person convicted of a class [C or] **D or E**
18 felony, it shall commit the person to the custody of the department of corrections [for a term of
19 years not less than two years and not exceeding the maximum authorized terms provided in
20 subdivisions (3) and (4) of subsection 1 of this section].

21 3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall
22 commit the person to the custody of the department of corrections for the term imposed under
23 section 557.036, or until released under procedures established elsewhere by law.

24 (2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the
25 court shall commit the person to the county jail or other authorized penal institution for the term
26 of his or her sentence or until released under procedure established elsewhere by law.

27 4. (1) **Except as otherwise provided**, a sentence of imprisonment for a term of years
28 for felonies other than dangerous felonies as defined in section 556.061, and other than sentences
29 of imprisonment which involve the individual's fourth or subsequent remand to the department
30 of corrections shall consist of a prison term and a conditional release term. The conditional
31 release term of any term imposed under section 557.036 shall be:

32 (a) One-third for terms of nine years or less;

33 (b) Three years for terms between nine and fifteen years;

34 (c) Five years for terms more than fifteen years; and the prison term shall be the
35 remainder of such term. The prison term may be extended by the board of probation and parole
36 pursuant to subsection 5 of this section.

37 (2) "Conditional release" means the conditional discharge of an offender by the board
38 of probation and parole, subject to conditions of release that the board deems reasonable to assist
39 the offender to lead a law-abiding life, and subject to the supervision under the state board of
40 probation and parole. The conditions of release shall include avoidance by the offender of any
41 other [crime] **offense**, federal or state, and other conditions that the board in its discretion deems
42 reasonably necessary to assist the releasee in avoiding further violation of the law.

43 5. The date of conditional release from the prison term may be extended up to a
44 maximum of the entire sentence of imprisonment by the board of probation and parole. The
45 director of any division of the department of corrections except the board of probation and parole
46 may file with the board of probation and parole a petition to extend the conditional release date
47 when an offender fails to follow the rules and regulations of the division or commits an act in
48 violation of such rules. Within ten working days of receipt of the petition to extend the
49 conditional release date, the board of probation and parole shall convene a hearing on the
50 petition. The offender shall be present and may call witnesses in his or her behalf and
51 cross-examine witnesses appearing against the offender. The hearing shall be conducted as
52 provided in section 217.670. If the violation occurs in close proximity to the conditional release
53 date, the conditional release may be held for a maximum of fifteen working days to permit
54 necessary time for the division director to file a petition for an extension with the board and for
55 the board to conduct a hearing, provided some affirmative manifestation of an intent to extend
56 the conditional release has occurred prior to the conditional release date. If at the end of a
57 fifteen-working-day period a board decision has not been reached, the offender shall be released
58 conditionally. The decision of the board shall be final.

558.016. 1. The court may sentence a person who has [pleaded guilty to or has] been found guilty of an offense to a term of imprisonment as authorized by section 558.011 or to a term of imprisonment authorized by a statute governing the offense if it finds the defendant is a prior offender or a persistent misdemeanor offender[, or to] . **The court may sentence a person to** an extended term of imprisonment if [it finds] :

(1) The defendant is a persistent offender or a dangerous offender, **and the person is sentenced under subsection 7 of this section;**

(2) **The statute under which the person was found guilty contains a sentencing enhancement provision that is based on a prior finding of guilt or a finding of prior criminal conduct and the person is sentenced according to the statute; or**

(3) **A more specific sentencing enhancement provision applies that is based on a prior finding of guilt or a finding of prior criminal conduct.**

2. A "prior offender" is one who has [pleaded guilty to or has] been found guilty of one felony.

3. A "persistent offender" is one who has [pleaded guilty to or has] been found guilty of two or more felonies committed at different times.

4. A "dangerous offender" is one who:

(1) Is being sentenced for a felony during the commission of which he knowingly murdered or endangered or threatened the life of another person or knowingly inflicted or attempted or threatened to inflict serious physical injury on another person; and

(2) Has [pleaded guilty to or has] been found guilty of a class A or B felony or a dangerous felony.

5. A "persistent misdemeanor offender" is one who [has pleaded guilty to or] has been found guilty of two or more [class A or B misdemeanors] **offenses**, committed at different times[, which] **that** are [defined as offenses under chapters 195, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, and 576] **classified as A or B misdemeanors under the laws of this state.**

6. The [pleas or] findings of [guilty] **guilt** shall be prior to the date of commission of the present offense.

7. [The total authorized maximum terms of imprisonment for a persistent offender or a dangerous offender are:

(1) For a class A felony, any sentence authorized for a class A felony;

(2) For a class B felony, any sentence authorized for a class A felony;

(3) For a class C felony, any sentence authorized for a class B felony;

(4) For a class D felony, any sentence authorized for a class C felony] **The court shall sentence a person, who has been found to be a persistent offender or a dangerous offender,**

37 **and is found guilty of a class B, C, D, or E felony to the authorized term of imprisonment**
38 **for the offense that is one class higher than the offense for which the person is found guilty.**

558.018. 1. The court shall sentence a person [who has pleaded guilty to or] **to an**
2 **extended term of imprisonment if it finds the defendant is a persistent sexual offender and**
3 has been found guilty of [the felony of forcible rape, statutory rape in the first degree, forcible
4 sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes
5 designated in this subsection to an extended term of imprisonment if it finds the defendant is a
6 persistent sexual offender] **attempting to commit or committing the following offenses:**

7 (1) **Statutory rape in the first degree or statutory sodomy in the first degree;**

8 (2) **Rape in the first degree or sodomy in the first degree attempted or committed**
9 **on or after August 28, 2013;**

10 (3) **Forcible rape committed or attempted any time during the period of August 13,**
11 **1980 to August 27, 2013;**

12 (4) **Forcible sodomy committed or attempted any time during the period of January**
13 **1, 1995 to August 27, 2013;**

14 (5) **Rape committed or attempted before August 13, 1980;**

15 (6) **Sodomy committed or attempted before January 1, 1995.**

16 2. A "persistent sexual offender" is one who has previously [pleaded guilty to or has been
17 found guilty of the felony of forcible rape, rape, statutory rape in the first degree, forcible
18 sodomy, sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes
19 designated in this subsection] **been found guilty of attempting to commit or committing any**
20 **of the offenses listed in subsection 1 of this section.**

21 3. The term of imprisonment for one found to be a persistent sexual offender shall be
22 imprisonment for life without eligibility for probation or parole. Subsection 4 of section 558.019
23 shall not apply to any person imprisoned under this subsection, and "imprisonment for life" shall
24 mean imprisonment for the duration of the person's natural life.

25 4. The court shall sentence a person [who has pleaded guilty to or has] **to an extended**
26 **term of imprisonment as provided for in this section if it finds the defendant is a predatory**
27 **sexual offender and has** been found guilty of [the felony of forcible rape, statutory rape in the
28 first degree, forcible sodomy, statutory sodomy in the first degree, or an attempt to commit any
29 of the preceding crimes or] **committing or attempting to commit any of the offenses listed in**
30 **subsection 1 of this section or committing** child molestation in the first degree when classified
31 as a class B felony or sexual abuse when classified as a class B felony to an extended term of
32 imprisonment as provided for in this section if it finds the defendant is a predatory sexual
33 offender.

34 5. For purposes of this section, a "predatory sexual offender" is a person who:

35 (1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible
36 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the
37 first degree, or an attempt to commit any of the preceding crimes or] **committing or attempting**
38 **to commit any of the offenses listed in subsection 1 of this section, or committing** child
39 molestation in the first degree when classified as a class B felony or sexual abuse when classified
40 as a class B felony; or

41 (2) Has previously committed an act which would constitute an offense listed in
42 subsection 4 of this section, whether or not the act resulted in a conviction; or

43 (3) Has committed an act or acts against more than one victim which would constitute
44 an offense or offenses listed in subsection 4 of this section, whether or not the defendant was
45 charged with an additional offense or offenses as a result of such act or acts.

46 6. A person found to be a predatory sexual offender shall be imprisoned for life with
47 eligibility for parole, however subsection 4 of section 558.019 shall not apply to persons found
48 to be predatory sexual offenders for the purposes of determining the minimum prison term or the
49 length of sentence as defined or used in such subsection. Notwithstanding any other provision
50 of law, in no event shall a person found to be a predatory sexual offender receive a final
51 discharge from parole.

52 7. Notwithstanding any other provision of law, the court shall set the minimum time
53 required to be served before a predatory sexual offender is eligible for parole, conditional release
54 or other early release by the department of corrections. The minimum time to be served by a
55 person found to be a predatory sexual offender who:

56 (1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible
57 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the
58 first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found
59 guilty of the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory
60 sodomy in the first degree or an attempt to commit any of the preceding crimes] **committing or**
61 **attempting to commit any of the offenses listed in subsection 1 of this section and is found**
62 **guilty of committing or attempting to commit any of the offenses listed in subsection 1 of**
63 **this section** shall be any number of years but not less than thirty years;

64 (2) Has previously pleaded guilty to or has been found guilty of child molestation in the
65 first degree when classified as a class B felony or sexual abuse when classified as a class B
66 felony and [pleads guilty to or] is found guilty of attempting to commit or committing [forcible
67 rape, statutory rape in the first degree, forcible sodomy or statutory sodomy in the first degree]
68 **any of the offenses listed in subsection 1 of this section** shall be any number of years but not
69 less than fifteen years;

70 (3) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible
71 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the
72 first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found
73 guilty of] **committing or attempting to commit any of the offenses listed in subsection 1 of**
74 **this section, or committing** child molestation in the first degree when classified as a class B
75 felony or sexual abuse when classified as a class B felony shall be any number of years but not
76 less than fifteen years;

77 (4) Has previously pleaded guilty to or has been found guilty of child molestation in the
78 first degree when classified as a class B felony or sexual abuse when classified as a class B
79 felony, and pleads guilty to or is found guilty of child molestation in the first degree when
80 classified as a class B felony or sexual abuse when classified as a class B felony shall be any
81 number of years but not less than fifteen years;

82 (5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of
83 subsection 5 of this section shall be any number of years within the range to which the person
84 could have been sentenced pursuant to the applicable law if the person was not found to be a
85 predatory sexual offender.

86 8. Notwithstanding any provision of law to the contrary, the department of corrections,
87 or any division thereof, may not furlough an individual found to be and sentenced as a persistent
88 sexual offender or a predatory sexual offender.

558.019. 1. This section shall not be construed to affect the powers of the governor
2 under article IV, section 7, of the Missouri Constitution. This statute shall not affect those
3 provisions of section 565.020, section [558.018] **566.125**, or section 571.015, which set
4 minimum terms of sentences, or the provisions of section 559.115, relating to probation.

5 2. The provisions of subsections 2 to 5 of this section shall be applicable to all classes
6 of felonies except those set forth in chapter [195] **579**, and those otherwise excluded in
7 subsection 1 of this section. For the purposes of this section, "prison commitment" means and
8 is the receipt by the department of corrections of an offender after sentencing. For purposes of
9 this section, prior prison commitments to the department of corrections shall not include
10 commitment to a regimented discipline program established pursuant to section 217.378, **a one**
11 **hundred twenty day program as described under section 559.115, or a post-conviction drug**
12 **treatment program established under section 217.785**. Other provisions of the law to the
13 contrary notwithstanding, any offender who has [pleaded guilty to or has] been found guilty of
14 a felony other than a dangerous felony as defined in section 556.061 and is committed to the
15 department of corrections shall be required to serve the following minimum prison terms:

16 (1) If the offender has one previous prison commitment to the department of corrections
17 for a felony offense, the minimum prison term which the offender must serve shall be forty

18 percent of his or her sentence or until the offender attains seventy years of age, and has served
19 at least thirty percent of the sentence imposed, whichever occurs first;

20 (2) If the offender has two previous prison commitments to the department of corrections
21 for felonies unrelated to the present offense, the minimum prison term which the offender must
22 serve shall be fifty percent of his or her sentence or until the offender attains seventy years of
23 age, and has served at least forty percent of the sentence imposed, whichever occurs first;

24 (3) If the offender has three or more previous prison commitments to the department of
25 corrections for felonies unrelated to the present offense, the minimum prison term which the
26 offender must serve shall be eighty percent of his or her sentence or until the offender attains
27 seventy years of age, and has served at least forty percent of the sentence imposed, whichever
28 occurs first.

29 3. Other provisions of the law to the contrary notwithstanding, any offender who has
30 pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061
31 and is committed to the department of corrections shall be required to serve a minimum prison
32 term of eighty-five percent of the sentence imposed by the court or until the offender attains
33 seventy years of age, and has served at least forty percent of the sentence imposed, whichever
34 occurs first.

35 4. For the purpose of determining the minimum prison term to be served, the following
36 calculations shall apply:

37 (1) A sentence of life shall be calculated to be thirty years;

38 (2) Any sentence either alone or in the aggregate with other consecutive sentences for
39 [crimes] **offenses** committed at or near the same time which is over seventy-five years shall be
40 calculated to be seventy-five years.

41 5. For purposes of this section, the term "minimum prison term" shall mean time
42 required to be served by the offender before he or she is eligible for parole, conditional release
43 or other early release by the department of corrections.

44 6. (1) A sentencing advisory commission is hereby created to consist of eleven
45 members. One member shall be appointed by the speaker of the house. One member shall be
46 appointed by the president pro tem of the senate. One member shall be the director of the
47 department of corrections. Six members shall be appointed by and serve at the pleasure of the
48 governor from among the following: the public defender commission; private citizens; a private
49 member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members
50 shall be appointed by the supreme court, one from a metropolitan area and one from a rural area.
51 All members shall be appointed to a four-year term. All members of the sentencing commission
52 appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory
53 commission at the pleasure of the governor.

54 (2) The commission shall study sentencing practices in the circuit courts throughout the
55 state for the purpose of determining whether and to what extent disparities exist among the
56 various circuit courts with respect to the length of sentences imposed and the use of probation
57 for offenders convicted of the same or similar [crimes] **offenses** and with similar criminal
58 histories. The commission shall also study and examine whether and to what extent sentencing
59 disparity among economic and social classes exists in relation to the sentence of death and if so,
60 the reasons therefor, **if** sentences are comparable to other states, if the length of the sentence is
61 appropriate, and the rate of rehabilitation based on sentence. It shall compile statistics, examine
62 cases, draw conclusions, and perform other duties relevant to the research and investigation of
63 disparities in death penalty sentencing among economic and social classes.

64 (3) The commission shall study alternative sentences, prison work programs, work
65 release, home-based incarceration, probation and parole options, and any other programs and
66 report the feasibility of these options in Missouri.

67 (4) The governor shall select a chairperson who shall call meetings of the commission
68 as required or permitted pursuant to the purpose of the sentencing commission.

69 (5) The members of the commission shall not receive compensation for their duties on
70 the commission, but shall be reimbursed for actual and necessary expenses incurred in the
71 performance of these duties and for which they are not reimbursed by reason of their other paid
72 positions.

73 (6) The circuit and associate circuit courts of this state, the office of the state courts
74 administrator, the department of public safety, and the department of corrections shall cooperate
75 with the commission by providing information or access to information needed by the
76 commission. The office of the state courts administrator will provide needed staffing resources.

77 7. Courts shall retain discretion to lower or exceed the sentence recommended by the
78 commission as otherwise allowable by law, and to order restorative justice methods, when
79 applicable.

80 8. If the imposition or execution of a sentence is suspended, the court may order any or
81 all of the following restorative justice methods, or any other method that the court finds just or
82 appropriate:

83 (1) Restitution to any victim or a statutorily created fund for costs incurred as a result
84 of the offender's actions;

85 (2) Offender treatment programs;

86 (3) Mandatory community service;

87 (4) Work release programs in local facilities; and

88 (5) Community-based residential and nonresidential programs.

89 9. The provisions of this section shall apply only to offenses occurring on or after August
90 28, 2003.

91 10. Pursuant to subdivision (1) of subsection 8 of this section, the court may order the
92 assessment and payment of a designated amount of restitution to a county law enforcement
93 restitution fund established by the county commission pursuant to section 50.565. Such
94 contribution shall not exceed three hundred dollars for any charged offense. Any restitution
95 moneys deposited into the county law enforcement restitution fund pursuant to this section shall
96 only be expended pursuant to the provisions of section 50.565.

97 11. A judge may order payment to a restitution fund only if such fund had been created
98 by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall
99 not have any direct supervisory authority or administrative control over any fund to which the
100 judge is ordering a [defendant] **person** to make payment.

101 12. A [defendant] **person** who fails to make a payment to a county law enforcement
102 restitution fund may not have his or her probation revoked solely for failing to make such
103 payment unless the judge, after evidentiary hearing, makes a finding supported by a
104 preponderance of the evidence that the [defendant] **person** either willfully refused to make the
105 payment or that the [defendant] **person** willfully, intentionally, and purposefully failed to make
106 sufficient bona fide efforts to acquire the resources to pay.

107 13. Nothing in this section shall be construed to allow the sentencing advisory
108 commission to issue recommended sentences in specific cases pending in the courts of this state.

558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court
2 specifies that they shall run consecutively; except [that,] in the case of multiple sentences of
3 imprisonment imposed for [the felony of rape, forcible rape, sodomy, forcible sodomy,] **any**
4 **offense committed during or at the same time as, or multiple offenses of, the following**
5 **felonies:**

6 **(1) Rape in the first degree;**

7 **(2) Statutory rape in the first degree;**

8 **(3) Sodomy in the first degree;**

9 **(4) Statutory sodomy in the first degree; or**

10 **(5) An attempt to commit any of the [aforesaid and for other offenses committed during**
11 **or at the same time as that rape, forcible rape, sodomy, forcible sodomy or an attempt to commit**
12 **any of the aforesaid, the sentences of imprisonment imposed for the other offenses may run**
13 **concurrently, but] felonies listed in this subsection.**

14

15 **In such case,** the sentence of imprisonment imposed for [the felony of rape, forcible rape,
16 sodomy, forcible sodomy] **any offense of rape in the first degree, statutory rape in the first**

17 **degree, sodomy in the first degree, statutory sodomy in the first degree**, or an attempt to
18 commit any of the aforesaid shall run consecutively to the other sentences. **The sentences**
19 **imposed for any other offense may run concurrently.**

20 2. If a person who is on probation, parole or conditional release is sentenced to a term
21 of imprisonment for an offense committed after the granting of probation or parole or after the
22 start of his **or her** conditional release term, the court shall direct the manner in which the
23 sentence or sentences imposed by the court shall run with respect to any resulting probation,
24 parole or conditional release revocation term or terms. If the subsequent sentence to
25 imprisonment is in another jurisdiction, the court shall specify how any resulting probation,
26 parole or conditional release revocation term or terms shall run with respect to the foreign
27 sentence of imprisonment.

28 3. A court may cause any sentence it imposes to run concurrently with a sentence an
29 individual is serving or is to serve in another state or in a federal correctional center. If the
30 Missouri sentence is served in another state or in a federal correctional center, subsection 4 of
31 section 558.011 and section 217.690 shall apply as if the individual were serving his **or her**
32 sentence within the department of corrections of the state of Missouri, except that a personal
33 hearing before the board of probation and parole shall not be required for parole consideration.

558.031. 1. A sentence of imprisonment shall commence when a person convicted of
2 **[a crime] an offense** in this state is received into the custody of the department of corrections or
3 other place of confinement where the offender is sentenced. Such person shall receive credit
4 toward the service of a sentence of imprisonment for all time in prison, jail or custody after the
5 offense occurred and before the commencement of the sentence, when the time in custody was
6 related to that offense, except:

7 (1) Such credit shall only be applied once when sentences are consecutive;

8 (2) Such credit shall only be applied if the person convicted was in custody in the state
9 of Missouri, unless such custody was compelled exclusively by the state of Missouri's action; and

10 (3) As provided in section 559.100.

11 2. The officer required by law to deliver a person convicted of **[a crime] an offense** in
12 this state to the department of corrections shall endorse upon the papers required by section
13 217.305 both the dates the offender was in custody and the period of time to be credited toward
14 the service of the sentence of imprisonment, except as endorsed by such officer.

15 3. If a person convicted of **[a crime] an offense** escapes from custody, such escape shall
16 interrupt the sentence. The interruption shall continue until such person is returned to the
17 correctional center where the sentence was being served, or in the case of a person committed
18 to the custody of the department of corrections, to any correctional center operated by the

19 department of corrections. An escape shall also interrupt the jail time credit to be applied to a
20 sentence which had not commenced when the escape occurred.

21 4. If a sentence of imprisonment is vacated and a new sentence imposed upon the
22 offender for that offense, all time served under the vacated sentence shall be credited against the
23 new sentence, unless the time has already been credited to another sentence as provided in
24 subsection 1 of this section.

25 5. If a person released from imprisonment on parole or serving a conditional release term
26 violates any of the conditions of his **or her** parole or release, he **or she** may be treated as a parole
27 violator. If the board of probation and parole revokes the parole or conditional release, the
28 paroled person shall serve the remainder of the prison term and conditional release term, as an
29 additional prison term, and the conditionally released person shall serve the remainder of the
30 conditional release term as a prison term, unless released on parole.

558.041. 1. Any offender committed to the department of corrections, except those
2 persons committed pursuant to subsection [6] 7 of section 558.016, or subsection 3 of section
3 [558.018] **566.125**, may receive additional credit in terms of days spent in confinement upon
4 recommendation for such credit by the offender's institutional superintendent when the offender
5 meets the requirements for such credit as provided in subsections 3 and 4 of this section. Good
6 time credit may be rescinded by the director or his **or her** designee pursuant to the divisional
7 policy issued pursuant to subsection 3 of this section.

8 2. Any credit extended to an offender shall only apply to the sentence which the offender
9 is currently serving.

10 3. The director of the department of corrections shall issue a policy for awarding credit.
11 The policy may reward an inmate who has served his **or her** sentence in an orderly and peaceable
12 manner and has taken advantage of the rehabilitation programs available to him **or her**. Any
13 violation of institutional rules or the laws of this state may result in the loss of all or a portion
14 of any credit earned by the inmate pursuant to this section.

15 4. The department shall cause the policy to be published in the code of state regulations.

16 5. No rule or portion of a rule promulgated under the authority of this chapter shall
17 become effective unless it has been promulgated pursuant to the provisions of section 536.024.

558.046. The sentencing court may, upon petition, reduce any term of sentence or
2 probation pronounced by the court or a term of conditional release or parole pronounced by the
3 state board of probation and parole if the court determines that:

4 (1) The convicted person was:

5 (a) Convicted of [a crime] **an offense** that did not involve violence or the threat of
6 violence; and

7 (b) Convicted of [a crime] **an offense** that involved alcohol or illegal drugs; and

8 (2) Since the commission of such [crime] **offense**, the convicted person has successfully
9 completed a detoxification and rehabilitation program; and

10 (3) The convicted person is not:

11 (a) A prior offender, a persistent offender, a dangerous offender or a persistent
12 misdemeanor offender as defined by section 558.016; or

13 (b) A persistent sexual offender as defined in section [558.018] **566.125**; or

14 (c) A prior offender, a persistent offender or a class X offender as defined in section
15 558.019.

559.012. The court may place a person on probation for a specific period upon
2 conviction of any offense or upon suspending imposition of sentence if, having regard to the
3 nature and circumstances of the offense and to the history and character of the defendant, the
4 court is of the opinion that:

5 (1) Institutional confinement of the defendant is not necessary for the protection of the
6 public; and

7 (2) The defendant is in need of guidance, training or other assistance which, in his **or her**
8 case, can be effectively administered through probation supervision.

559.021. 1. The conditions of probation shall be such as the court in its discretion deems
2 reasonably necessary to ensure that the defendant will not again violate the law. When a
3 defendant is placed on probation he **or she** shall be given a certificate explicitly stating the
4 conditions on which he **or she** is being released.

5 2. In addition to such other authority as exists to order conditions of probation, the court
6 may order such conditions as the court believes will serve to compensate the victim, any
7 dependent of the victim, any statutorily created fund for costs incurred as a result of the
8 offender's actions, or society. Such conditions may include restorative justice methods pursuant
9 to section 217.777, or any other method that the court finds just or appropriate including, but not
10 limited to:

11 (1) Restitution to the victim or any dependent of the victim, or statutorily created fund
12 for costs incurred as a result of the offender's actions in an amount to be determined by the judge;

13 (2) The performance of a designated amount of free work for a public or charitable
14 purpose, or purposes, as determined by the judge;

15 (3) Offender treatment programs;

16 (4) Work release programs in local facilities; and

17 (5) Community-based residential and nonresidential programs.

18 3. The defendant may refuse probation conditioned on the performance of free work.
19 If he **or she** does so, the court shall decide the extent or duration of sentence or other disposition
20 to be imposed and render judgment accordingly. Any county, city, person, organization, or

21 agency, or employee of a county, city, organization or agency charged with the supervision of
22 such free work or who benefits from its performance shall be immune from any suit by the
23 defendant or any person deriving a cause of action from him **or her** if such cause of action arises
24 from such supervision of performance, except for an intentional tort or gross negligence. The
25 services performed by the defendant shall not be deemed employment within the meaning of the
26 provisions of chapter 288. A defendant performing services pursuant to this section shall not be
27 deemed an employee within the meaning of the provisions of chapter 287.

28 4. In addition to such other authority as exists to order conditions of probation, in the
29 case of a [plea of guilty or a] finding of guilt, the court may order the assessment and payment
30 of a designated amount of restitution to a county law enforcement restitution fund established
31 by the county commission pursuant to section 50.565. Such contribution shall not exceed three
32 hundred dollars for any charged offense. Any restitution moneys deposited into the county law
33 enforcement restitution fund pursuant to this section shall only be expended pursuant to the
34 provisions of section 50.565.

35 5. A judge may order payment to a restitution fund only if such fund had been created
36 by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall
37 not have any direct supervisory authority or administrative control over any fund to which the
38 judge is ordering a defendant to make payment.

39 6. A defendant who fails to make a payment to a county law enforcement restitution fund
40 may not have his or her probation revoked solely for failing to make such payment unless the
41 judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence
42 that the defendant either willfully refused to make the payment or that the defendant willfully,
43 intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources
44 to pay.

45 7. The court may modify or enlarge the conditions of probation at any time prior to the
46 expiration or termination of the probation term.

559.036. 1. A term of probation commences on the day it is imposed. Multiple terms
2 of Missouri probation, whether imposed at the same time or at different times, shall run
3 concurrently. Terms of probation shall also run concurrently with any federal or other state jail,
4 prison, probation or parole term for another offense to which the defendant is or becomes subject
5 during the period, unless otherwise specified by the Missouri court.

6 2. The court may terminate a period of probation and discharge the defendant at any time
7 before completion of the specific term fixed under section 559.016 if warranted by the conduct
8 of the defendant and the ends of justice. The court may extend the term of the probation, but no
9 more than one extension of any probation may be ordered except that the court may extend the
10 term of probation by one additional year by order of the court if the defendant admits he or she

11 has violated the conditions of probation or is found by the court to have violated the conditions
12 of his or her probation. Total time on any probation term, including any extension shall not
13 exceed the maximum term established in section 559.016. Procedures for termination, discharge
14 and extension may be established by rule of court.

15 3. If the defendant violates a condition of probation at any time prior to the expiration
16 or termination of the probation term, the court may continue him **or her** on the existing
17 conditions, with or without modifying or enlarging the conditions or extending the term.

18 4. (1) If a continuation, modification, enlargement or extension is not appropriate under
19 this section, the court shall order placement of the offender in one of the department of
20 corrections' one hundred twenty-day programs so long as:

21 (a) The underlying offense for the probation is a class C [or] , D **or** E felony or an
22 offense listed in chapter 195; except that, the court may, upon its own motion or a motion of the
23 prosecuting or circuit attorney, make a finding that an offender is not eligible if the underlying
24 offense is involuntary manslaughter in the first degree, involuntary manslaughter in the second
25 degree, aggravated stalking, assault in the second degree, sexual assault, domestic assault in the
26 second degree, assault of a law enforcement officer in the second degree, statutory rape in the
27 second degree, statutory sodomy in the second degree, deviate sexual assault, sexual misconduct
28 involving a child, incest, endangering the welfare of a child in the first degree under subdivision
29 (1) or (2) of subsection 1 of section 568.045, abuse of a child, invasion of privacy or any case
30 in which the defendant is found guilty of a felony offense under chapter 571;

31 (b) The probation violation is not the result of the defendant being an absconder or being
32 found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor,
33 or infraction. For purposes of this subsection, "absconder" shall mean an offender under
34 supervision who has left such offender's place of residency without the permission of the
35 offender's supervising officer for the purpose of avoiding supervision;

36 (c) The defendant has not violated any conditions of probation involving the possession
37 or use of weapons, or a stay-away condition prohibiting the defendant from contacting a certain
38 individual; and

39 (d) The defendant has not already been placed in one of the programs by the court for
40 the same underlying offense or during the same probation term.

41 (2) Upon receiving the order, the department of corrections shall conduct an assessment
42 of the offender and place such offender in the appropriate one hundred twenty-day program
43 under subsection 3 of section 559.115.

44 (3) Notwithstanding any of the provisions of subsection 3 of section 559.115 to the
45 contrary, once the defendant has successfully completed the program under this subsection, the
46 court shall release the defendant to continue to serve the term of probation, which shall not be

47 modified, enlarged, or extended based on the same incident of violation. Time served in the
48 program shall be credited as time served on any sentence imposed for the underlying offense.

49 5. If the defendant is not eligible under subsection 4 of this section for placement in a
50 program and a continuation, modification, enlargement, or extension of the term under this
51 section is not appropriate, the court may revoke probation and order that any sentence previously
52 imposed be executed. If imposition of sentence was suspended, the court may revoke probation
53 and impose any sentence available under section 557.011. The court may mitigate any sentence
54 of imprisonment by reducing the prison or jail term by all or part of the time the defendant was
55 on probation. The court may, upon revocation of probation, place an offender on a second term
56 of probation. Such probation shall be for a term of probation as provided by section 559.016,
57 notwithstanding any amount of time served by the offender on the first term of probation.

58 6. Probation shall not be revoked without giving the probationer notice and an
59 opportunity to be heard on the issues of whether he **or she** violated a condition of probation and,
60 if he **or she** did, whether revocation is warranted under all the circumstances.

61 7. The prosecuting or circuit attorney may file a motion to revoke probation or at any
62 time during the term of probation, the court may issue a notice to the probationer to appear to
63 answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such
64 notice shall be personally served upon the probationer. The warrant shall authorize the return
65 of the probationer to the custody of the court or to any suitable detention facility designated by
66 the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own
67 motion, the court may immediately enter an order suspending the period of probation and may
68 order a warrant for the defendant's arrest. The probation shall remain suspended until the court
69 rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the
70 probation reinstated.

71 8. The power of the court to revoke probation shall extend for the duration of the term
72 of probation designated by the court and for any further period which is reasonably necessary for
73 the adjudication of matters arising before its expiration, provided that some affirmative
74 manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the
75 period and that every reasonable effort is made to notify the probationer and to conduct the
76 hearing prior to the expiration of the period.

559.100. 1. The circuit courts of this state shall have power, herein provided, to place
2 on probation or to parole persons convicted of any offense over which they have jurisdiction,
3 except as otherwise provided in [sections 195.275 to 195.296, section 558.018,] section 559.115,
4 section 565.020, sections 566.030, 566.060, 566.067, **566.125**, 566.151, and [566.213] **566.210**,
5 section 571.015, **section 579.170**, and subsection 3 of section 589.425.

6 2. The circuit court shall have the power to revoke the probation or parole previously
7 granted under section 559.036 and commit the person to the department of corrections. The
8 circuit court shall determine any conditions of probation or parole for the defendant that it deems
9 necessary to ensure the successful completion of the probation or parole term, including the
10 extension of any term of supervision for any person while on probation or parole. The circuit
11 court may require that the defendant pay restitution for his [crime] **or her offense**. The probation
12 or parole may be revoked under section 559.036 for failure to pay restitution or for failure to
13 conform his **or her** behavior to the conditions imposed by the circuit court. The circuit court
14 may, in its discretion, credit any period of probation or parole as time served on a sentence.

559.105. 1. Any person who has been found guilty of [or has pled guilty to] a violation
2 of subdivision (2) of subsection 1 of section 569.080 or paragraph (a) of subdivision (3) of
3 subsection [3] **5** of section 570.030 may be ordered by the court to make restitution to the victim
4 for the victim's losses due to such offense. Restitution pursuant to this section shall include, but
5 not be limited to, the following:

6 (1) A victim's reasonable expenses to participate in the prosecution of the [crime]
7 **offense**;

8 (2) A victim's payment for any repairs or replacement of the motor vehicle, watercraft,
9 or aircraft; and

10 (3) A victim's costs associated with towing or storage fees for the motor vehicle caused
11 by the acts of the defendant.

12 2. No person ordered by the court to pay restitution pursuant to this section shall be
13 released from probation until such restitution is complete. If full restitution is not made within
14 the original term of probation, the court shall order the maximum term of probation allowed for
15 such offense.

16 3. Any person eligible to be released on parole for a violation of subdivision (2) of
17 subsection 1 of section 569.080 or [paragraph (a) of subdivision (3) of subsection 3 of] **for**
18 **stealing a motor vehicle, watercraft, or aircraft under** section 570.030 may be required, as
19 a condition of parole, to make restitution pursuant to this section. The board of probation and
20 parole shall not release any person from any term of parole for such offense until the person has
21 completed such restitution, or until the maximum term of parole for such offense has been
22 served.

559.106. 1. Notwithstanding any statutory provision to the contrary, when a court grants
2 probation to an offender who has pleaded guilty to or has been found guilty of an offense in
3 section 566.030, 566.032, 566.060, or 566.062, based on an act committed on or after August
4 28, 2006, or the offender has [pleaded guilty to or has] been found guilty of an offense under
5 section 566.067, 566.083, 566.100, 566.151, [566.212, 566.213,] **566.210, 566.211, 568.020,**

6 [568.080, or 568.090] **573.200 or 573.205**, based on an act committed on or after August 28,
7 2006, against a victim who was less than fourteen years [old] **of age** and the offender is a prior
8 sex offender as defined in subsection 2 of this section, the court shall order that the offender be
9 supervised by the board of probation and parole for the duration of his or her natural life.

10 2. For the purpose of this section, a prior sex offender is a person who has previously
11 pleaded guilty to or has been found guilty of an offense contained in chapter 566, or violating
12 section 568.020, when the person had sexual intercourse or deviate sexual intercourse with the
13 victim, or of violating subdivision (2) of subsection 1 of section 568.045.

14 3. When probation for the duration of the offender's natural life has been ordered, a
15 mandatory condition of such probation is that the offender be electronically monitored.
16 Electronic monitoring shall be based on a global positioning system or other technology that
17 identifies and records the offender's location at all times.

18 4. In appropriate cases as determined by a risk assessment, the court may terminate the
19 probation of an offender who is being supervised under this section when the offender is
20 sixty-five years [of age] **old** or older.

559.107. 1. The department of corrections shall notify the highway patrol of any
2 offender who is required as a mandatory condition of lifetime supervision to be electronically
3 monitored, under section 217.735 and section 559.106, and shall notify the highway patrol when
4 the supervision of the offender has been terminated in appropriate cases as determined by a risk
5 assessment when the offender is sixty-five years [of age] **old** or older.

6 2. The highway patrol shall enter the electronic monitoring of the offender into the
7 Missouri law enforcement system (MULES) and sexual offender registry where it is available
8 to members of the criminal justice system, and other entities as provided by law, upon inquiry.

559.110. When the defendant is granted probation or parole by the court, the court before
2 or at the time of granting the probation or parole, may in its discretion require the defendant, with
3 one or more sureties, to enter into bond to the state of Missouri in a sum to be fixed by the court,
4 conditioned that he **or she** will appear in court as directed during the continuance of the
5 probation or parole, and not depart without leave of court. The bond shall be approved by the
6 court or by the clerk at the direction of the court and forfeiture may be taken and prosecuted to
7 final judgment on the bond in the manner as provided by law in cases of bonds taken for
8 appearance of persons awaiting trial upon information or indictment.

559.115. 1. Neither probation nor parole shall be granted by the circuit court between
2 the time the transcript on appeal from the offender's conviction has been filed in appellate court
3 and the disposition of the appeal by such court.

4 2. Unless otherwise prohibited by subsection 5 of this section, a circuit court only upon
5 its own motion and not that of the state or the offender shall have the power to grant probation

6 to an offender anytime up to one hundred twenty days after such offender has been delivered to
7 the department of corrections but not thereafter. The court may request information and a
8 recommendation from the department concerning the offender and such offender's behavior
9 during the period of incarceration. Except as provided in this section, the court may place the
10 offender on probation in a program created pursuant to section 217.777, or may place the
11 offender on probation with any other conditions authorized by law.

12 3. The court may recommend placement of an offender in a department of corrections
13 one hundred twenty-day program under this section or order such placement under subsection
14 4 of section 559.036. Upon the recommendation or order of the court, the department of
15 corrections shall assess each offender to determine the appropriate program in which to place the
16 offender, including shock incarceration or institutional treatment. When the court recommends
17 and receives placement of an offender in a department of corrections one hundred twenty-day
18 program, the offender shall be released on probation if the department of corrections determines
19 that the offender has successfully completed the program except as follows. Upon successful
20 completion of a treatment program, the board of probation and parole shall advise the sentencing
21 court of an offender's probationary release date thirty days prior to release. The court shall
22 release the offender unless such release constitutes an abuse of discretion. If the court
23 determined that there is an abuse of discretion, the court may order the execution of the
24 offender's sentence only after conducting a hearing on the matter within ninety to one hundred
25 twenty days of the offender's sentence. If the court does not respond when an offender
26 successfully completes the program, the offender shall be released on probation. Upon
27 successful completion of a shock incarceration program, the board of probation and parole shall
28 advise the sentencing court of an offender's probationary release date thirty days prior to release.
29 The court shall follow the recommendation of the department unless the court determines that
30 probation is not appropriate. If the court determines that probation is not appropriate, the court
31 may order the execution of the offender's sentence only after conducting a hearing on the matter
32 within ninety to one hundred twenty days of the offender's sentence. If the department
33 determines that an offender is not successful in a program, then after one hundred days of
34 incarceration the circuit court shall receive from the department of corrections a report on the
35 offender's participation in the program and department recommendations for terms and
36 conditions of an offender's probation. The court shall then release the offender on probation or
37 order the offender to remain in the department to serve the sentence imposed.

38 4. If the department of corrections one hundred twenty-day program is full, the court may
39 place the offender in a private program approved by the department of corrections or the court,
40 the expenses of such program to be paid by the offender, or in an available program offered by

41 another organization. If the offender is convicted of a class C [or] , class D, **or class E**,
42 nonviolent felony, the court may order probation while awaiting appointment to treatment.

43 5. Except when the offender has been found to be a predatory sexual offender pursuant
44 to section [558.018] **566.125**, the court shall request that the offender be placed in the sexual
45 offender assessment unit of the department of corrections if the defendant [has pleaded guilty to
46 or] has been found guilty of sexual abuse when classified as a class B felony.

47 6. Unless the offender is being granted probation pursuant to successful completion of
48 a one hundred twenty-day program the circuit court shall notify the state in writing when the
49 court intends to grant probation to the offender pursuant to the provisions of this section. The
50 state may, in writing, request a hearing within ten days of receipt of the court's notification that
51 the court intends to grant probation. Upon the state's request for a hearing, the court shall grant
52 a hearing as soon as reasonably possible. If the state does not respond to the court's notice in
53 writing within ten days, the court may proceed upon its own motion to grant probation.

54 7. An offender's [first] incarceration for one hundred twenty days for participation in a
55 department of corrections program prior to release on probation shall not be considered a
56 previous prison commitment for the purpose of determining a minimum prison term under the
57 provisions of section 558.019.

58 8. Notwithstanding any other provision of law, probation may not be granted pursuant
59 to this section to offenders who have been convicted of murder in the second degree [pursuant
60 to] **under** section 565.021; [forcible rape pursuant to] **rape in the first degree under** section
61 566.030; [forcible sodomy pursuant to] **sodomy in the first degree under** section 566.060;
62 statutory rape in the first degree [pursuant to] **under** section 566.032; statutory sodomy in the
63 first degree [pursuant to] **under** section 566.062; child molestation in the first degree [pursuant
64 to] **under** section 566.067 when classified as a class A felony; abuse of a child [pursuant to]
65 **under** section 568.060 when classified as a class A felony; an offender who has been found to
66 be a predatory sexual offender [pursuant to section 558.018] **under section 566.125, forcible**
67 **rape or sodomy as such offenses were codified under sections 566.030 and 566.060 prior**
68 **to August 28, 2013**; or any offense in which there exists a statutory prohibition against either
69 probation or parole.

559.117. 1. The director of the department of corrections is authorized to establish, as
2 a three-year pilot program, a mental health assessment process.

3 2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is
4 hearing the criminal case in a participating county may request that an offender be placed in the
5 department of corrections for one hundred twenty days for a mental health assessment and for
6 treatment if it appears that the offender has a mental disorder or mental illness such that the
7 offender may qualify for probation including community psychiatric rehabilitation (CPR)

8 programs and such probation is appropriate and not inconsistent with public safety. Before the
9 judge rules upon the motion, the victim shall be given notice of such motion and the opportunity
10 to be heard. Upon recommendation of the court, the department shall determine the offender's
11 eligibility for the mental health assessment process.

12 3. Following this assessment and treatment period, an assessment report shall be sent to
13 the sentencing court and the sentencing court may, if appropriate, release the offender on
14 probation. The offender shall be supervised on probation by a state probation and parole officer,
15 who shall work cooperatively with the department of mental health to enroll eligible offenders
16 in community psychiatric rehabilitation (CPR) programs.

17 4. Notwithstanding any other provision of law, probation shall not be granted under this
18 section to offenders who:

19 (1) Have been found guilty of, or plead guilty to, murder in the second degree under
20 section 565.021;

21 (2) Have been found guilty of, or plead guilty to, [forcible] rape **in the first degree** under
22 section 566.030;

23 (3) Have been found guilty of, or plead guilty to, statutory rape in the first degree under
24 section 566.032;

25 (4) Have been found guilty of, or plead guilty to, [forcible] sodomy **in the first degree**
26 under section 566.060;

27 (5) Have been found guilty of, or plead guilty to, statutory sodomy in the first degree
28 under section 566.062;

29 (6) Have been found guilty of, or plead guilty to, child molestation in the first degree
30 under section 566.067 when classified as a class A felony;

31 (7) Have been found to be a predatory sexual offender under section 558.018; or

32 (8) Have been found guilty of, or plead guilty to, any offense for which there exists a
33 statutory prohibition against either probation or parole.

34 5. At the end of the three-year pilot, the director of the department of corrections and the
35 director of the department of mental health shall jointly submit recommendations to the governor
36 and to the general assembly by December 31, 2015, on whether to expand the process statewide.

559.120. The circuit court may place a defendant on probation and require his **or her**
2 participation in a program established pursuant to section 217.777 if, having regard to the nature
3 and circumstances of the offense and to the history and character of the defendant, the court is
4 of the opinion that:

5 (1) Traditional institutional confinement of the defendant is not necessary for the
6 protection of the public, given adequate supervision; and

7 (2) The defendant is in need of guidance, training or other assistance which, in his **or her**
8 case, can be effectively administered through participation in a community-based treatment
9 program.

559.125. 1. The clerk of the court shall keep in a permanent file all applications for
2 probation or parole by the court, and shall keep in such manner as may be prescribed by the court
3 complete and full records of all presentence investigations requested, probations or paroles
4 granted, revoked or terminated and all discharges from probations or paroles. All court orders
5 relating to any presentence investigation requested and probation or parole granted under the
6 provisions of this chapter and sections 558.011 and 558.026 shall be kept in a like manner, and,
7 if the defendant subject to any such order is subject to an investigation or is under the supervision
8 of the state board of probation and parole, a copy of the order shall be sent to the board. In any
9 county where a parole board ceases to exist, the clerk of the court shall preserve the records of
10 that board.

11 2. Information and data obtained by a probation or parole officer shall be privileged
12 information and shall not be receivable in any court. Such information shall not be disclosed
13 directly or indirectly to anyone other than the members of a parole board and the judge entitled
14 to receive reports, except the court or the board may in its discretion permit the inspection of the
15 report, or parts of such report, by the defendant, or offender or his **or her** attorney, or other
16 person having a proper interest therein.

17 3. The provisions of subsection 2 of this section notwithstanding, the presentence
18 investigation report shall be made available to the state and all information and data obtained in
19 connection with preparation of the presentence investigation report may be made available to the
20 state at the discretion of the court upon a showing that the receipt of the information and data is
21 in the best interest of the state.

559.600. In cases where the board of probation and parole is not required under section
2 217.750 to provide probation supervision and rehabilitation services for misdemeanor offenders,
3 the circuit and associate circuit judges in a circuit may contract with one or more private entities
4 or other court-approved entity to provide such services. The court-approved entity, including
5 private or other entities, shall act as a misdemeanor probation office in that circuit and shall,
6 pursuant to the terms of the contract, supervise persons placed on probation by the judges for
7 class A, B, [and] C, **and D** misdemeanor offenses, specifically including persons placed on
8 probation for violations of section 577.023. Nothing in sections 559.600 to 559.615 shall be
9 construed to prohibit the board of probation and parole, or the court, from supervising
10 misdemeanor offenders in a circuit where the judges have entered into a contract with a
11 probation entity.

559.604. Neither the state of Missouri nor any county of the state shall be required to pay any part of the cost of probation and rehabilitation services provided to misdemeanor offenders under sections 559.600 to 559.615. The person placed on probation shall contribute not less than thirty dollars or more than fifty dollars per month to the private entity providing him **or her** with supervision and rehabilitation services. The amount of the contribution shall be determined by the sentencing court. The court may exempt a person from all or part of the foregoing contribution if it finds any of the following factors to exist:

(1) The offender has diligently attempted, but has been unable, to obtain employment which provides him **or her** sufficient income to make such payments;

(2) The offender is a student in a school, college, university or course of vocational or technical training designed to fit the student for gainful employment. Certification of such student status shall be supplied to the court by the educational institution in which the offender is enrolled;

(3) The offender has an employment handicap, as determined by a physical, psychological or psychiatric examination acceptable to or ordered by the court;

(4) The offender's age prevents him **or her** from obtaining employment;

(5) The offender is responsible for the support of dependents, and the payment of such contribution constitutes an undue hardship on the offender;

(6) There are other extenuating circumstances as determined by the court to exempt or partially reduce such payments; or

(7) The offender has been transferred outside the state under an interstate compact adopted pursuant to law.

559.633. 1. Upon [a plea of guilty or] a finding of [guilty for a commission of] **guilt for** a felony offense pursuant to chapter [195] **579**, except for those offenses in which there exists a statutory prohibition against either probation or parole, when placing the person on probation, the court shall order the person to begin a required educational assessment and community treatment program within the first sixty days of probation as a condition of probation. Persons who are placed on probation after a period of incarceration pursuant to section 559.115 may not be required to participate in a required educational assessment and community treatment program.

2. The fees for the required educational assessment and community treatment program, or a portion of such fees, to be determined by the department of corrections, shall be paid by the person receiving the assessment. Any person who is assessed shall pay, in addition to any fee charged for the assessment, a supplemental fee of sixty dollars. The administrator of the program shall remit to the department of corrections the supplemental fees for all persons assessed, less two percent for administrative costs. The supplemental fees received by the

15 department of corrections pursuant to this section shall be deposited in the correctional substance
16 abuse earnings fund created pursuant to section 559.635.

561.016. 1. No person shall suffer any legal disqualification or disability because of a
2 finding of guilt or conviction of [a crime] **an offense** or the sentence on his conviction, unless
3 the disqualification or disability involves the deprivation of a right or privilege which is:

4 (1) Necessarily incident to execution of the sentence of the court; or
5 (2) Provided by the constitution or the code; or
6 (3) Provided by a statute other than the code, when the conviction is of [a crime] **an**
7 **offense** defined by such statute; or

8 (4) Provided by the judgment, order or regulation of a court, agency or official exercising
9 a jurisdiction conferred by law, or by the statute defining such jurisdiction, when the commission
10 of the [crime] **offense** or the conviction or the sentence is reasonably related to the competency
11 of the individual to exercise the right or privilege of which he **or she** is deprived.

12 2. Proof of a conviction as relevant evidence upon the trial or determination of any issue,
13 or for the purpose of impeaching the convicted person as a witness, is not a disqualification or
14 disability within the meaning of this chapter.

561.021. 1. A person holding any public office, elective or appointive, under the
2 government of this state or any agency or political subdivision thereof, who is convicted of [a
3 crime] **an offense** shall, upon sentencing, forfeit such office if:

4 (1) He **or she** is convicted under the laws of this state of a felony or under the laws of
5 another jurisdiction of [a crime] **an offense** which, if committed within this state, would be a
6 felony, or he **or she** pleads guilty or nolo contendere of such [a crime] **an offense**; or

7 (2) He **or she** is convicted of or pleads guilty or nolo contendere to [a crime] **an offense**
8 involving misconduct in office, or dishonesty; or

9 (3) The constitution or a statute other than the code so provides.

10 2. Except as provided in subsection 3 of this section, a person who pleads guilty or nolo
11 contendere or is convicted under the laws of this state of a felony or under the laws of another
12 jurisdiction of [a crime] **an offense** which, if committed within this state, would be a felony,
13 shall be ineligible to hold any public office, elective or appointive, under the government of this
14 state or any agency or political subdivision thereof, until the completion of his **or her** sentence
15 or period of probation.

16 3. A person who pleads guilty or nolo contendere or is convicted under the laws of this
17 state or under the laws of another jurisdiction of a felony connected with the exercise of the right
18 of suffrage shall be forever disqualified from holding any public office, elective or appointive,
19 under the government of this state or any agency or political subdivision thereof.

561.026. Notwithstanding any other provision of law except for section 610.140, a person who is convicted:

(1) Of any [crime] **offense** shall be disqualified from registering and voting in any election under the laws of this state while confined under a sentence of imprisonment;

(2) Of a felony or misdemeanor connected with the exercise of the right of suffrage shall be forever disqualified from registering and voting;

(3) Of any felony shall be forever disqualified from serving as a juror.

562.011. 1. A person is not guilty of an offense unless his **or her** liability is based on conduct which includes a voluntary act.

2. A "voluntary act" is

(1) A bodily movement performed while conscious as a result of effort or determination; or

(2) An omission to perform an act of which the actor is physically capable.

3. Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or having acquired control of it was aware of his **or her** control for a sufficient time to have enabled him **or her** to dispose of it or terminate his **or her** control.

4. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law.

[564.011.] **562.012.** 1. [A person is guilty of attempt to commit an offense when, with the purpose of committing the offense, he does] **Guilt for an offense may be based upon an attempt to commit an offense if, with the purpose of committing the offense, a person performs** any act which is a substantial step towards the commission of the offense. A "substantial step" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.

2. It is no defense to a prosecution [under this section] that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be.

3. Unless otherwise [provided, an attempt to commit an offense is a:

(1) Class B felony if the offense attempted is a class A felony.

(2) Class C felony if the offense attempted is a class B felony.

(3) Class D felony if the offense attempted is a class C felony.

(4) Class A misdemeanor if the offense attempted is a class D felony.

(5) Class C misdemeanor if the offense attempted is a misdemeanor of any degree] **set forth in the statute creating the offense, when guilt for a felony or misdemeanor is based**

18 **upon an attempt to commit that offense, the felony or misdemeanor shall be classified one**
19 **step lower than the class provided for the felony or misdemeanor in the statute creating the**
20 **offense.**

[564.016.] **562.014.** 1. [A person is guilty of conspiracy with another person or persons
2 to commit an offense if] **Guilt for an offense may be based upon a conspiracy to commit an**
3 **offense when a person**, with the purpose of promoting or facilitating [its commission he] **the**
4 **commission of an offense**, agrees with [such other] **another** person or persons that they or one
5 or more of them will engage in conduct which constitutes such offense.

6 2. [If a person guilty of conspiracy knows that a person with whom he conspires to
7 commit an offense has conspired with another person or persons to commit the same offense, he
8 is guilty of conspiring with such other person or persons to commit such offense, whether or not
9 he knows their identity] **It is no defense to a prosecution for conspiring to commit an offense**
10 **that a person who knows that a person with whom he or she conspires to commit an offense**
11 **has conspired with another person or persons to commit the same offense, does not know**
12 **the identity of such other person or persons.**

13 3. If a person conspires to commit a number of offenses, he [is] **or she can be found**
14 guilty of only one [conspiracy] **offense** so long as such multiple offenses are the object of the
15 same agreement.

16 4. No person may be convicted of [conspiracy to commit] an offense **based upon a**
17 **conspiracy to commit an offense** unless an overt act in pursuance of such conspiracy is alleged
18 and proved to have been done by him **or her** or by a person with whom he **or she** conspired.

19 5. (1) No [one] **person** shall be convicted of [conspiracy] **an offense based upon a**
20 **conspiracy to commit an offense** if, after conspiring to commit the offense, he **or she** prevented
21 the accomplishment of the objectives of the conspiracy under circumstances manifesting a
22 renunciation of his **or her** criminal purpose.

23 (2) The defendant shall have the burden of injecting the issue of renunciation of criminal
24 purpose under subdivision (1) of this subsection.

25 6. For the purpose of time limitations on prosecutions:

26 (1) [Conspiracy] **A conspiracy to commit an offense** is a continuing course of conduct
27 which terminates when the offense or offenses which are its object are committed or the
28 agreement that they be committed is abandoned by the defendant and by those with whom he **or**
29 **she** conspired.

30 (2) If an individual abandons the agreement, the conspiracy is terminated as to him **or**
31 **her** only if he **or she** advises those with whom he **or she** has conspired of his **or her**
32 abandonment or he **or she** informs the law enforcement authorities of the existence of the
33 conspiracy and of his **or her** participation in it.

34 7. A person [may] **shall** not be charged, convicted or sentenced on the basis of the same
35 course of conduct of both the actual commission of an offense and a conspiracy to commit that
36 offense.

37 8. Unless otherwise [provided, a conspiracy to commit an offense is a:

38 (1) Class B felony if the object of the conspiracy is a class A felony.

39 (2) Class C felony if the object of the conspiracy is a class B felony.

40 (3) Class D felony if the object of the conspiracy is a class C felony.

41 (4) Class A misdemeanor if the object of the conspiracy is a class D felony.

42 (5) Class C misdemeanor if the object of the conspiracy is a misdemeanor of any degree

43 or an infraction] **set forth in the statute creating the offense, when guilt for a felony or**
44 **misdemeanor is based upon a conspiracy to commit that offense, the felony or**
45 **misdemeanor shall be classified one step lower than the class provided for the felony or**
46 **misdemeanor in the statute creating the offense.**

 562.016. 1. Except as provided in section 562.026, a person is not guilty of an offense
2 unless he **or she** acts with a culpable mental state, that is, unless he **or she** acts purposely or
3 knowingly or recklessly or with criminal negligence, as the statute defining the offense may
4 require with respect to the conduct, the result thereof or the attendant circumstances which
5 constitute the material elements of the crime.

6 2. A person "acts purposely", or with purpose, with respect to his **or her** conduct or to
7 a result thereof when it is his **or her** conscious object to engage in that conduct or to cause that
8 result.

9 3. A person "acts knowingly", or with knowledge,

10 (1) With respect to his **or her** conduct or to attendant circumstances when he **or she** is
11 aware of the nature of his **or her** conduct or that those circumstances exist; or

12 (2) With respect to a result of his **or her** conduct when he **or she** is aware that his **or her**
13 conduct is practically certain to cause that result.

14 4. A person "acts recklessly" or is reckless when he **or she** consciously disregards a
15 substantial and unjustifiable risk that circumstances exist or that a result will follow, and such
16 disregard constitutes a gross deviation from the standard of care which a reasonable person
17 would exercise in the situation.

18 5. A person "acts with criminal negligence" or is criminally negligent when he **or she**
19 fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will
20 follow, and such failure constitutes a gross deviation from the standard of care which a
21 reasonable person would exercise in the situation.

562.031. 1. A person is not relieved of criminal liability for conduct because he **or she** engages in such conduct under a mistaken belief of fact or law unless such mistake negatives the existence of the mental state required by the offense.

2. A person is not relieved of criminal liability for conduct because he **or she** believes his **or her** conduct does not constitute an offense unless his **or her** belief is reasonable and:

(1) The offense is defined by an administrative regulation or order which is not known to him **or her** and has not been published or otherwise made reasonably available to him **or her**, and he **or she** could not have acquired such knowledge by the exercise of due diligence pursuant to facts known to him **or her**; or

(2) He **or she** acts in reasonable reliance upon an official statement of the law, afterward determined to be invalid or erroneous, contained in

(a) A statute;

(b) An opinion or order of an appellate court;

(c) An official interpretation of the statute, regulation or order defining the offense made by a public official or agency legally authorized to interpret such statute, regulation or order.

3. The burden of injecting the issue of reasonable belief that conduct does not constitute an offense under subdivisions (1) and (2) of subsection 2 **of this section** is on the defendant.

562.036. A person with the required culpable mental state is guilty of an offense if it is committed by his **or her** own conduct or by the conduct of another person for which he **or she** is criminally responsible, or both.

562.041. 1. A person is criminally responsible for the conduct of another when:

(1) The statute defining the offense makes him **or her** so responsible; or

(2) Either before or during the commission of an offense with the purpose of promoting the commission of an offense, he **or she** aids or agrees to aid or attempts to aid such other person in planning, committing or attempting to commit the offense.

2. However, a person is not so responsible if:

(1) He **or she** is the victim of the offense committed or attempted;

(2) The offense is so defined that his **or her** conduct was necessarily incident to the commission or attempt to commit the offense. If his **or her** conduct constitutes a related but separate offense, he **or she** is criminally responsible for that offense but not for the conduct or offense committed or attempted by the other person;

(3) Before the commission of the offense [he] **such person** abandons his **or her** purpose and gives timely warning to law enforcement authorities or otherwise makes proper effort to prevent the commission of the offense.

3. The defense provided by subdivision (3) of subsection 2 **of this section** is an affirmative defense.

562.051. Except as otherwise provided, when two or more persons are criminally
2 responsible for an offense which is divided into degrees, each person is guilty of such degree as
3 is compatible with his **or her** own culpable mental state and with his **or her** own accountability
4 for an aggravating or mitigating fact or circumstance.

562.056. 1. A corporation is guilty of an offense if:

2 (1) The conduct constituting the offense consists of an omission to discharge a specific
3 duty of affirmative performance imposed on corporations by law; or

4 (2) The conduct constituting the offense is engaged in by an agent of the corporation
5 while acting within the scope of his **or her** employment and in behalf of the corporation, and the
6 offense is a misdemeanor or an infraction, or the offense is one defined by a statute that clearly
7 indicates a legislative intent to impose such criminal liability on a corporation; or

8 (3) The conduct constituting the offense is engaged in, authorized, solicited, requested,
9 commanded or knowingly tolerated by the board of directors or by a high managerial agent
10 acting within the scope of his **or her** employment and in behalf of the corporation.

11 2. An unincorporated association is guilty of an offense if:

12 (1) The conduct constituting the offense consists of an omission to discharge a specific
13 duty of affirmative performance imposed on the association by law; or

14 (2) The conduct constituting the offense is engaged in by an agent of the association
15 while acting within the scope of his **or her** employment and in behalf of the association and the
16 offense is one defined by a statute that clearly indicates a legislative intent to impose such
17 criminal liability on the association.

18 3. As used in this section:

19 (1) "Agent" means any director, officer or employee of a corporation or unincorporated
20 association or any other person who is authorized to act in behalf of the corporation or
21 unincorporated association;

22 (2) "High managerial agent" means an officer of a corporation or any other agent in a
23 position of comparable authority with respect to the formulation of corporate policy or the
24 supervision in a managerial capacity of subordinate employees.

562.061. A person is criminally liable for conduct constituting an offense which he **or**
2 **she** performs or causes to be performed in the name of or in behalf of a corporation or
3 unincorporated association to the same extent as if such conduct were performed in his **or her**
4 own name or behalf.

562.066. 1. The commission of acts which would otherwise constitute an offense is not
2 criminal if the actor engaged in the prescribed conduct because he **or she** was entrapped by a law
3 enforcement officer or a person acting in cooperation with such an officer.

4 2. An "entrapment" is perpetuated if a law enforcement officer or a person acting in
5 cooperation with such an officer, for the purpose of obtaining evidence of the commission of an
6 offense, solicits, encourages or otherwise induces another person to engage in conduct when he
7 **or she** was not ready and willing to engage in such conduct.

8 3. The relief afforded by subsection 1 **of this section** is not available as to any crime
9 which involves causing physical injury to or placing in danger of physical injury a person other
10 than the person perpetrating the entrapment.

11 4. The defendant shall have the burden of injecting the issue of entrapment.

562.071. 1. It is an affirmative defense that the defendant engaged in the conduct
2 charged to constitute an offense because he **or she** was coerced to do so, by the use of, or
3 threatened imminent use of, unlawful physical force upon him **or her** or a third person, which
4 force or threatened force a person of reasonable firmness in his situation would have been unable
5 to resist.

6 2. The defense of "duress" as defined in subsection 1 is not available:

7 (1) As to the crime of murder;

8 (2) As to any offense when the defendant recklessly places himself **or herself** in a
9 situation in which it is probable that he **or she** will be subjected to the force or threatened force
10 described in subsection 1 **of this section**.

562.076. 1. A person who is in an intoxicated or drugged condition, whether from
2 alcohol, drugs or other substance, is criminally responsible for conduct unless such condition is
3 involuntarily produced and deprived him **or her** of the capacity to know or appreciate the nature,
4 quality or wrongfulness of his **or her** conduct.

5 2. The defendant shall have the burden of injecting the issue of intoxicated or drugged
6 condition.

7 3. Evidence that a person was in a voluntarily intoxicated or drugged condition may be
8 admissible when otherwise relevant on issues of conduct but in no event shall it be admissible
9 for the purpose of negating a mental state which is an element of the offense. In a trial by jury,
10 the jury shall be so instructed when evidence that a person was in a voluntarily intoxicated or
11 drugged condition has been received into evidence.

562.086. 1. A person is not responsible for criminal conduct if at the time of such
2 conduct as a result of mental disease or defect he was incapable of knowing and appreciating the
3 nature, quality or wrongfulness of his **or her** conduct.

4 2. The procedures for the defense of lack of responsibility because of mental disease or
5 defect are governed by the provisions of chapter 552.

563.021. 1. Unless inconsistent with the provisions of this chapter defining the
2 justifiable use of physical force, or with some other provision of law, conduct which would

3 otherwise constitute an offense is justifiable and not criminal when such conduct is required or
4 authorized by a statutory provision or by a judicial decree. Among the kinds of such provisions
5 and decrees are:

6 (1) Laws defining duties and functions of public servants;

7 (2) Laws defining duties of private persons to assist public servants in the performance
8 of their functions;

9 (3) Laws governing the execution of legal process;

10 (4) Laws governing the military services and the conduct of war;

11 (5) Judgments and orders of courts.

12 2. The defense of justification afforded by subsection 1 of this section applies:

13 (1) When a person reasonably believes his **or her** conduct to be required or authorized
14 by the judgment or directions of a competent court or tribunal or in the legal execution of legal
15 process, notwithstanding lack of jurisdiction of the court or defect in the legal process;

16 (2) When a person reasonably believes his **or her** conduct to be required or authorized
17 to assist a public servant in the performance of his **or her** duties, notwithstanding that the public
18 servant exceeded his **or her** legal authority.

19 3. The defendant shall have the burden of injecting the issue of justification under this
20 section.

563.026. 1. Unless inconsistent with other provisions of this chapter defining justifiable
2 use of physical force, or with some other provision of law, conduct which would otherwise
3 constitute any [crime] **offense** other than a class A felony or murder is justifiable and not
4 criminal when it is necessary as an emergency measure to avoid an imminent public or private
5 injury which is about to occur by reason of a situation occasioned or developed through no fault
6 of the actor, and which is of such gravity that, according to ordinary standards of intelligence and
7 morality, the desirability of avoiding the injury outweighs the desirability of avoiding the injury
8 sought to be prevented by the statute defining the [crime] **offense** charged.

9 2. The necessity and justifiability of conduct under subsection 1 **of this section** may not
10 rest upon considerations pertaining only to the morality and advisability of the statute, either in
11 its general application or with respect to its application to a particular class of cases arising
12 thereunder. Whenever evidence relating to the defense of justification under this section is
13 offered, the court shall rule as a matter of law whether the claimed facts and circumstances
14 would, if established, constitute a justification.

15 3. The defense of justification under this section is an affirmative defense.

563.033. 1. Evidence that [the actor] **a person** was suffering from the battered spouse
2 syndrome shall be admissible upon the issue of whether [the actor] **he or she** lawfully acted in
3 self-defense or defense of another.

4 2. If the defendant proposes to offer evidence of the battered spouse syndrome, he **or she**
5 shall file written notice thereof with the court in advance of trial. Thereafter, the court, upon
6 motion of the state, shall appoint one or more private psychiatrists or psychologists, as defined
7 in section 632.005, or physicians with a minimum of one year training or experience in providing
8 treatment or services to mentally retarded or mentally ill individuals, who are neither employees
9 nor contractors of the department of mental health for the purposes of performing the
10 examination in question, to examine the accused, or shall direct the director of the department
11 of mental health, or his **or her** designee, to have the accused so examined by one or more
12 psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of
13 one year training or experience in providing treatment or services to mentally retarded or
14 mentally ill individuals designated by the director, or his **or her** designee, for the purpose of
15 examining the defendant. No private psychiatrist, psychologist, or physician shall be appointed
16 by the court unless he **or she** has consented to act. The examinations ordered shall be made at
17 such time and place and under such conditions as the court deems proper; except that if the order
18 directs the director of the department of mental health to have the accused examined, the
19 director, or his **or her** designee, shall determine the reasonable time, place and conditions under
20 which the examination shall be conducted. The order may include provisions for the interview
21 of witnesses.

22 3. No statement made by the accused in the course of any such examination and no
23 information received by any physician or other person in the course thereof, whether such
24 examination was made with or without the consent of the accused or upon his **or her** motion or
25 upon that of others, shall be admitted in evidence against the accused on the issue of whether he
26 **or she** committed the act charged against him **or her** in any criminal proceeding then or
27 thereafter pending in any court, state or federal.

563.046. 1. A law enforcement officer need not retreat or desist from efforts to effect
2 the arrest, or from efforts to prevent the escape from custody, of a person he **or she** reasonably
3 believes to have committed an offense because of resistance or threatened resistance of the
4 arrestee. In addition to the use of physical force authorized under other sections of this chapter,
5 **[he] a law enforcement officer** is, subject to the provisions of subsections 2 and 3, justified in
6 the use of such physical force as he **or she** reasonably believes is immediately necessary to effect
7 the arrest or to prevent the escape from custody.

8 2. The use of any physical force in making an arrest is not justified under this section
9 unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful.

10 3. A law enforcement officer in effecting an arrest or in preventing an escape from
11 custody is justified in using deadly force only:

12 (1) When **[such is] deadly force is** authorized under other sections of this chapter; or

13 (2) When he **or she** reasonably believes that such use of deadly force is immediately
14 necessary to effect the arrest and also reasonably believes that the person to be arrested:

15 (a) Has committed or attempted to commit a felony; or

16 (b) Is attempting to escape by use of a deadly weapon; or

17 (c) May otherwise endanger life or inflict serious physical injury unless arrested without
18 delay.

19 4. The defendant shall have the burden of injecting the issue of justification under this
20 section.

563.051. 1. A private person who has been directed by a person he **or she** reasonably
2 believes to be a law enforcement officer to assist such officer to effect an arrest or to prevent
3 escape from custody may, subject to the limitations of subsection 3 **of this section**, use physical
4 force when and to the extent that he **or she** reasonably believes such to be necessary to carry out
5 such officer's direction unless he **or she** knows or believes that the arrest or prospective arrest
6 is not or was not authorized.

7 2. A private person acting on his **or her** own account may, subject to the limitations of
8 subsection 3 **of this section**, use physical force to [effect] arrest or prevent **the** escape [only when
9 and to the extent such is immediately necessary to effect the arrest, or to prevent escape from
10 custody,] of a person whom [he] **such private person** reasonably believes [to have] **has**
11 committed [a crime] **an offense**, and who in fact has committed such [crime] **offense**, **when the**
12 **private person's actions are immediately necessary to arrest the offender or prevent his or**
13 **her escape from custody.**

14 3. A private person in effecting an arrest or in preventing escape from custody is justified
15 in using deadly force only:

16 (1) When [such is] **deadly force is** authorized under other sections of this chapter; or

17 (2) When he **or she** reasonably believes [such to be] **deadly force is** authorized under
18 the circumstances and he **or she** is directed or authorized by a law enforcement officer to use
19 deadly force; or

20 (3) When he **or she** reasonably believes such use of deadly force is immediately
21 necessary to [effect the] arrest [of] a person who at that time and in his **or her** presence:

22 (a) Committed or attempted to commit a class A felony or murder; or

23 (b) Is attempting to escape by use of a deadly weapon.

24 4. The defendant shall have the burden of injecting the issue of justification under this
25 section.

563.056. 1. A guard or other law enforcement officer may, subject to the provisions of
2 subsection 2 **of this section**, use physical force when he reasonably believes such to be
3 immediately necessary to prevent escape from confinement or in transit thereto or therefrom.

4 2. A guard or other law enforcement officer may use deadly force under circumstances
5 described in subsection 1 **of this section** only:

6 (1) When such use of deadly force is authorized under other sections of this chapter; or

7 (2) When he **or she** reasonably believes there is a substantial risk that the escapee will
8 endanger human life or cause serious physical injury unless the escape is prevented.

9 3. The defendant shall have the burden of injecting the issue of justification under this
10 section.

563.061. 1. The use of physical force by an actor upon another person is justifiable when
2 the actor is a parent, guardian or other person entrusted with the care and supervision of a minor
3 or an incompetent person or when the actor is a teacher or other person entrusted with the care
4 and supervision of a minor for a special purpose; and

5 (1) The actor reasonably believes that the force used is necessary to promote the welfare
6 of a minor or incompetent person, or, if the actor's responsibility for the minor is for special
7 purposes, to further that special purpose or to maintain reasonable discipline in a school, class
8 or other group; and

9 (2) The force used is not designed to cause or believed to create a substantial risk of
10 causing death, serious physical injury, disfigurement, extreme pain or extreme emotional
11 distress.

12 2. A warden or other authorized official of a jail, prison or correctional institution may,
13 in order to maintain order and discipline, use whatever physical force, including deadly force,
14 that is authorized by law.

15 3. The use of physical force by an actor upon another person is justifiable when the actor
16 is a person responsible for the operation of or the maintenance of order in a vehicle or other
17 carrier of passengers and the actor reasonably believes that such force is necessary to prevent
18 interference with its operation or to maintain order in the vehicle or other carrier, except that
19 deadly force may be used only when the actor reasonably believes it necessary to prevent death
20 or serious physical injury.

21 4. The use of physical force by an actor upon another person is justified when the actor
22 is a physician or a person assisting at his **or her** direction; and

23 (1) The force is used for the purpose of administering a medically acceptable form of
24 treatment which the actor reasonably believes to be adapted to promoting the physical or mental
25 health of the patient; and

26 (2) The treatment is administered with the consent of the patient or, if the patient is a
27 minor or an incompetent person, with the consent of the parent, guardian, or other person legally
28 competent to consent on his **or her** behalf, or the treatment is administered in an emergency

29 when the actor reasonably believes that no one competent to consent can be consulted and that
30 a reasonable person, wishing to safeguard the welfare of the patient, would consent.

31 5. The use of physical force by an actor upon another person is justifiable when the actor
32 acts under the reasonable belief that

33 (1) Such other person is about to commit suicide or to inflict serious physical injury upon
34 himself **or herself**; and

35 (2) The force used is necessary to thwart such result.

36 6. The defendant shall have the burden of injecting the issue of justification under this
37 section.

563.070. 1. Conduct which would otherwise constitute [a crime] **an offense** under
2 chapter 565 is excusable and not criminal when it is the result of accident in any lawful act by
3 lawful means without knowingly causing or attempting to cause physical injury and without
4 acting with criminal negligence.

5 2. The defendant shall have the burden of injecting the issue of excuse authorized under
6 this section.

565.002. As used in this chapter, unless a different meaning is otherwise plainly required
2 **the following terms mean:**

3 (1) "Adequate cause" [means] , cause that would reasonably produce a degree of passion
4 in a person of ordinary temperament sufficient to substantially impair an ordinary person's
5 capacity for self-control;

6 (2) **"Child", a person under seventeen years of age;**

7 (3) "Conduct", includes any act or omission;

8 (4) **"Course of conduct", a pattern of conduct composed of two or more acts, which
9 may include communication by any means, over a period of time, however short,
10 evidencing a continuity of purpose. Constitutionally protected activity is not included
11 within the meaning of course of conduct. Such constitutionally protected activity includes
12 picketing or other organized protests;**

13 [(3)] (5) "Deliberation" means cool reflection for any length of time no matter how brief;

14 [(4)] "Intoxicated condition" means under the influence of alcohol, a controlled substance,
15 or drug, or any combination thereof;

16 (5) "Operates" means physically driving or operating or being in actual physical control
17 of a motor vehicle;

18 (6) "Serious physical injury" means physical injury that creates a substantial risk of death
19 or that causes serious disfigurement or protracted loss or impairment of the function of any part
20 of the body;]

21 (6) "Domestic victim", a household or family member or any person who is or has
22 been in a continuing social relationship of a romantic or social nature with the defendant,
23 including spouses, former spouses, persons related by blood or marriage, persons who are
24 presently residing together or have resided together in the past and persons who have a
25 child in common regardless of whether they have been married or have resided together
26 at any time;

27 (7) "Emotional distress", something markedly greater than the level of uneasiness,
28 nervousness, unhappiness, or the like which are commonly experienced in day-to-day
29 living;

30 (8) "Full or partial nudity", the showing of all or any part of the human genitals
31 or pubic area or buttock, or any part of the nipple of the breast of any female person, with
32 less than a fully opaque covering;

33 (9) "Legal custody", the right to the care, custody and control of a child;

34 (10) "Parent", either a biological parent or a parent by adoption;

35 (11) "Person having a right of custody", a parent or legal guardian of the child;

36 (12) "Photographs" or "films", the making of any photograph, motion picture film,
37 videotape, or any other recording or transmission of the image of a person;

38 (13) "Place where a person would have a reasonable expectation of privacy", any
39 place where a reasonable person would believe that a person could disrobe in privacy,
40 without being concerned that the person's undressing was being viewed, photographed or
41 filmed by another;

42 (14) "Special victim", include any of the following:

43 (a) A law enforcement officer assaulted in the performance of official duties or as
44 a direct result of such official duties;

45 (b) Emergency personnel, meaning any paid or volunteer firefighter, emergency
46 room or trauma center personnel, or emergency medical technician, assaulted in the
47 performance of official duties or as a direct result of such official duties;

48 (c) A probation and parole officer assaulted in the performance of official duties
49 or as a direct result of such official duties;

50 (d) Elderly person;

51 (e) Disabled person;

52 (f) Any jailer or corrections officer of the state or one of its political subdivisions;
53 or

54 (g) A highway worker in a construction or work zone as the terms "highway
55 worker", "construction zone", or "work zone" are defined under section 304.580;

56 **(h) Any utility worker, meaning any employee of a utility that provides gas, heat,**
57 **electricity, water, steam, telecommunications services, or sewer services, whether privately,**
58 **municipally, or cooperatively owned, while in performance of their job duties, including**
59 **any person employed under a contract;**

60 **(i) Any cable worker, meaning any employee of a cable operator, as such term is**
61 **defined in section 67.2677, including any person employed under contract;**

62 [(7)] **(15) "Sudden passion" [means] , passion directly caused by and arising out of**
63 **provocation by the victim or another acting with the victim which passion arises at the time of**
64 **the offense and is not solely the result of former provocation;**

65 [(8)] **(16) "Trier" [means] , the judge or jurors to whom issues of fact, guilt or innocence,**
66 **or the assessment and declaration of punishment are submitted for decision;**

67 **(17) "Views", the looking upon of another person, with the unaided eye or with any**
68 **device designed or intended to improve visual acuity, for the purpose of arousing or**
69 **gratifying the sexual desire of any person.**

565.004. 1. Each homicide offense which is lawfully joined in the same indictment or
2 information together with any homicide offense or offense other than a homicide shall be
3 charged together with such offense in separate counts. A count charging any offense of homicide
4 may only be charged and tried together with one or more counts of any other homicide or offense
5 other than a homicide as provided in subsection 2 of section 545.140. Except as provided in
6 subsections 2, 3, and 4 of this section, no murder in the first degree offense may be tried together
7 with any offense other than murder in the first degree. In the event of a joinder of homicide
8 offenses, all offenses charged which are supported by the evidence in the case, together with all
9 proper lesser offenses under section [565.025] **565.029**, shall, when requested by one of the
10 parties or the court, be submitted to the jury or, in a jury-waived trial, considered by the judge.

11 2. A count charging any offense of homicide of a particular individual may be joined in
12 an indictment or information and tried with one or more counts charging alternatively any other
13 homicide or offense other than a homicide committed against that individual. The state shall not
14 be required to make an election as to the alternative count on which it will proceed. This
15 subsection in no way limits the right to try in the conjunctive, where they are properly joined
16 under subsection 1 of this section, either separate offenses other than murder in the first degree
17 or separate offenses of murder in the first degree committed against different individuals.

18 3. When a defendant has been charged and proven before trial to be a prior offender
19 pursuant to chapter 558 so that the judge shall assess punishment and not a jury for an offense
20 other than murder in the first degree, that offense may be tried and submitted to the trier together
21 with any murder in the first degree charge with which it is lawfully joined. In such case the
22 judge will assess punishment on any offense joined with a murder in the first degree charge

23 according to law and, when the trier is a jury, it shall be instructed upon punishment on the
24 charge of murder in the first degree in accordance with section 565.030.

25 4. When the state waives the death penalty for a murder first degree offense, that offense
26 may be tried and submitted to the trier together with any other charge with which it is lawfully
27 joined.

[565.080.] **565.010.** 1. When conduct is charged to constitute an offense because it
2 causes or threatens physical injury, consent to that conduct or to the infliction of the injury is a
3 defense only if:

4 (1) The physical injury consented to or threatened by the conduct is not serious physical
5 injury; or

6 (2) The conduct and the harm are reasonably foreseeable hazards of

7 (a) The victim's occupation or profession; or

8 (b) Joint participation in a lawful athletic contest or competitive sport; or

9 (3) The consent establishes a justification for the conduct under chapter 563 of this code.

10 2. The defendant shall have the burden of injecting the issue of consent.

565.020. 1. A person commits the [crime] **offense** of murder in the first degree if he **or**
2 **she** knowingly causes the death of another person after deliberation upon the matter.

3 2. **The offense of** murder in the first degree is a class A felony, and the punishment shall
4 be either death or imprisonment for life without eligibility for probation or parole, or release
5 except by act of the governor; except that, if a person has not reached his [sixteenth] **or her**
6 **eighteenth** birthday at the time of the commission of the [crime] **offense**, the punishment shall
7 be imprisonment for life without eligibility for probation or parole, or release except by act of
8 the governor.

565.021. 1. A person commits the [crime] **offense** of murder in the second degree if he
2 **or she**:

3 (1) Knowingly causes the death of another person or, with the purpose of causing serious
4 physical injury to another person, causes the death of another person; or

5 (2) Commits or attempts to commit any felony, and, in the perpetration or the attempted
6 perpetration of such felony or in the flight from the perpetration or attempted perpetration of
7 such felony, another person is killed as a result of the perpetration or attempted perpetration of
8 such felony or immediate flight from the perpetration of such felony or attempted perpetration
9 of such felony.

10 2. **The offense of** murder in the second degree is a class A felony, and the punishment
11 for second degree murder shall be in addition to the punishment for commission of a related
12 felony or attempted felony, other than murder or manslaughter.

13 3. Notwithstanding section 556.046 and section [565.025] **565.029**, in any charge of
14 murder in the second degree, the jury shall be instructed on, or, in a jury-waived trial, the judge
15 shall consider, any and all of the subdivisions in subsection 1 of this section which are supported
16 by the evidence and requested by one of the parties or the court.

 565.023. 1. A person commits the [crime] **offense** of voluntary manslaughter if he **or**
2 **she**:

3 (1) Causes the death of another person under circumstances that would constitute murder
4 in the second degree under subdivision (1) of subsection 1 of section 565.021, except that he **or**
5 **she** caused the death under the influence of sudden passion arising from adequate cause; or

6 (2) Knowingly assists another in the commission of self-murder.

7 2. The defendant shall have the burden of injecting the issue of influence of sudden
8 passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

9 3. **The offense of** voluntary manslaughter is a class B felony.

 565.024. 1. A person commits the [crime] **offense** of involuntary manslaughter in the
2 first degree if he or she[:

3 (1)] recklessly causes the death of another person[: or

4 (2) While in an intoxicated condition operates a motor vehicle or vessel in this state and,
5 when so operating, acts with criminal negligence to cause the death of any person; or

6 (3) While in an intoxicated condition operates a motor vehicle or vessel in this state, and,
7 when so operating, acts with criminal negligence to:

8 (a) Cause the death of any person not a passenger in the vehicle or vessel operated by
9 the defendant, including the death of an individual that results from the defendant's vehicle
10 leaving a highway, as defined by section 301.010, or the highway's right-of-way; or vessel
11 leaving the water; or

12 (b) Cause the death of two or more persons; or

13 (c) Cause the death of any person while he or she has a blood alcohol content of at least
14 eighteen-hundredths of one percent by weight of alcohol in such person's blood; or

15 (4) Operates a motor vehicle in violation of subsection 2 of section 304.022, and when
16 so operating, acts with criminal negligence to cause the death of any person authorized to operate
17 an emergency vehicle, as defined in section 304.022, while such person is in the performance of
18 official duties;

19 (5) Operates a vessel in violation of subsections 1 and 2 of section 306.132, and when
20 so operating acts with criminal negligence to cause the death of any person authorized to operate
21 an emergency watercraft, as defined in section 306.132, while such person is in the performance
22 of official duties].

23 2. **The offense of** involuntary manslaughter in the first degree [under subdivision (1) or
24 (2) of subsection 1 of this section] is a class C felony. [Involuntary manslaughter in the first
25 degree under subdivision (3) of subsection 1 of this section is a class B felony. A second or
26 subsequent violation of subdivision (3) of subsection 1 of this section is a class A felony. For
27 any violation of subdivision (3) of subsection 1 of this section, the minimum prison term which
28 the defendant must serve shall be eighty-five percent of his or her sentence. Any violation of
29 subdivisions (4) and (5) of subsection 1 of this section is a class B felony.

30 3. A person commits the crime of involuntary manslaughter in the second degree if he
31 acts with criminal negligence to cause the death of any person.

32 4. Involuntary manslaughter in the second degree is a class D felony.]

565.027. 1. A person commits the offense of involuntary manslaughter in the
2 **second degree if he or she acts with criminal negligence to cause the death of any person.**

3 **2. The offense of involuntary manslaughter in the second degree is a class E felony.**

 [565.025.] **565.029. 1.** With the exceptions provided in subsection 3 of this section and
2 subsection 3 of section 565.021, section 566.046 shall be used for the purpose of consideration
3 of lesser offenses by the trier in all homicide cases.

4 2. The following lists shall comprise, in the order listed, the lesser degree offenses:

5 (1) The lesser degree offenses of murder in the first degree are:

6 (a) Murder in the second degree under subdivisions (1) and (2) of subsection 1 of section
7 565.021;

8 (b) Voluntary manslaughter under subdivision (1) of subsection 1 of section 565.023;
9 [and]

10 (c) Involuntary manslaughter [under subdivision (1) of subsection 1 of section 565.024]
11 **in the first degree; and**

12 **(d) Involuntary manslaughter in the second degree;**

13 (2) The lesser degree offenses of murder in the second degree are:

14 (a) Voluntary manslaughter under subdivision (1) of subsection 1 of section 565.023;
15 [and]

16 (b) Involuntary manslaughter [under subdivision (1) of subsection 1 of section 565.024]
17 **in the first degree; and**

18 **(c) Involuntary manslaughter in the second degree.**

19 3. No instruction on a lesser included offense shall be submitted unless requested by one
20 of the parties or the court.

565.030. 1. [Where murder in the first degree is charged but not submitted or where the
2 state waives the death penalty, the submission to the trier and all subsequent proceedings in the

3 case shall proceed as in all other criminal cases with a single stage trial in which guilt and
4 punishment are submitted together.

5 2.] Where murder in the first degree is submitted to the trier without a waiver of the
6 death penalty, the trial shall proceed in two stages before the same trier. At the first stage the
7 trier shall decide only whether the defendant is guilty or not guilty of any submitted offense. The
8 issue of punishment shall not be submitted to the trier at the first stage. If an offense is charged
9 other than murder in the first degree in a count together with a count of murder in the first
10 degree, the trial judge shall assess punishment on any such offense according to law, after the
11 defendant is found guilty of such offense and after he finds the defendant to be a prior offender
12 pursuant to chapter 558.

13 [3.] 2. If murder in the first degree is submitted and the death penalty was not waived but
14 the trier finds the defendant guilty of a lesser homicide, a second stage of the trial shall proceed
15 at which the only issue shall be the punishment to be assessed and declared. No further evidence
16 shall be received. If the trier is a jury it shall be instructed on the law. The attorneys may then
17 argue as in other criminal cases the issue of punishment, after which the trier shall assess and
18 declare the punishment as in all other criminal cases.

19 [4.] 3. If the trier at the first stage of a trial where the death penalty was not waived finds
20 the defendant guilty of murder in the first degree, a second stage of the trial shall proceed at
21 which the only issue shall be the punishment to be assessed and declared. Evidence in
22 aggravation and mitigation of punishment, including but not limited to evidence supporting any
23 of the aggravating or mitigating circumstances listed in subsection 2 or 3 of section 565.032, may
24 be presented subject to the rules of evidence at criminal trials. Such evidence may include,
25 within the discretion of the court, evidence concerning the murder victim and the impact of the
26 [crime] offense upon the family of the victim and others. Rebuttal and surrebuttal evidence may
27 be presented. The state shall be the first to proceed. If the trier is a jury it shall be instructed on
28 the law. The attorneys may then argue the issue of punishment to the jury, and the state shall
29 have the right to open and close the argument. The trier shall assess and declare the punishment
30 at life imprisonment without eligibility for probation, parole, or release except by act of the
31 governor:

32 (1) If the trier finds by a preponderance of the evidence that the defendant is mentally
33 retarded; or

34 (2) If the trier does not find beyond a reasonable doubt at least one of the statutory
35 aggravating circumstances set out in subsection 2 of section 565.032; or

36 (3) If the trier concludes that there is evidence in mitigation of punishment, including
37 but not limited to evidence supporting the statutory mitigating circumstances listed in subsection

38 3 of section 565.032, which is sufficient to outweigh the evidence in aggravation of punishment
39 found by the trier; or

40 (4) If the trier decides under all of the circumstances not to assess and declare the
41 punishment at death. If the trier is a jury it shall be so instructed. If the trier assesses and
42 declares the punishment at death it shall, in its findings or verdict, set out in writing the
43 aggravating circumstance or circumstances listed in subsection 2 of section 565.032 which it
44 found beyond a reasonable doubt. If the trier is a jury it shall be instructed before the case is
45 submitted that if it is unable to decide or agree upon the punishment the court shall assess and
46 declare the punishment at life imprisonment without eligibility for probation, parole, or release
47 except by act of the governor or death. The court shall follow the same procedure as set out in
48 this section whenever it is required to determine punishment for murder in the first degree.

49 [5.] 4. Upon written agreement of the parties and with leave of the court, the issue of the
50 defendant's mental retardation may be taken up by the court and decided prior to trial without
51 prejudicing the defendant's right to have the issue submitted to the trier of fact as provided in
52 subsection 4 of this section.

53 [6.] 5. As used in this section, the terms "mental retardation" or "mentally retarded" refer
54 to a condition involving substantial limitations in general functioning characterized by
55 significantly subaverage intellectual functioning with continual extensive related deficits and
56 limitations in two or more adaptive behaviors such as communication, self-care, home living,
57 social skills, community use, self-direction, health and safety, functional academics, leisure and
58 work, which conditions are manifested and documented before eighteen years of age.

59 [7.] 6. The provisions of this section shall only govern offenses committed on or after
60 August 28, 2001.

565.032. 1. In all cases of murder in the first degree for which the death penalty is
2 authorized, the judge in a jury-waived trial shall consider, or [he] shall include in his **or her**
3 instructions to the jury for it to consider:

4 (1) Whether a statutory aggravating circumstance or circumstances enumerated in
5 subsection 2 of this section is established by the evidence beyond a reasonable doubt; and

6 (2) If a statutory aggravating circumstance or circumstances is proven beyond a
7 reasonable doubt, whether the evidence as a whole justifies a sentence of death or a sentence of
8 life imprisonment without eligibility for probation, parole, or release except by act of the
9 governor. In determining the issues enumerated in subdivisions (1) and (2) of this subsection,
10 the trier shall consider all evidence which it finds to be in aggravation or mitigation of
11 punishment, including evidence received during the first stage of the trial and evidence
12 supporting any of the statutory aggravating or mitigating circumstances set out in subsections 2
13 and 3 of this section. If the trier is a jury, it shall not be instructed upon any specific evidence

14 which may be in aggravation or mitigation of punishment, but shall be instructed that each juror
15 shall consider any evidence which he **or she** considers to be aggravating or mitigating.

16 2. Statutory aggravating circumstances for a murder in the first degree offense shall be
17 limited to the following:

18 (1) The offense was committed by a person with a prior record of conviction for murder
19 in the first degree, or the offense was committed by a person who has one or more serious
20 assaultive criminal convictions;

21 (2) The murder in the first degree offense was committed while the offender was
22 engaged in the commission or attempted commission of another unlawful homicide;

23 (3) The offender by his **or her** act of murder in the first degree knowingly created a great
24 risk of death to more than one person by means of a weapon or device which would normally be
25 hazardous to the lives of more than one person;

26 (4) The offender committed the offense of murder in the first degree for himself **or**
27 **herself** or another, for the purpose of receiving money or any other thing of monetary value from
28 the victim of the murder or another;

29 (5) The murder in the first degree was committed against a judicial officer, former
30 judicial officer, prosecuting attorney or former prosecuting attorney, circuit attorney or former
31 circuit attorney, assistant prosecuting attorney or former assistant prosecuting attorney, assistant
32 circuit attorney or former assistant circuit attorney, peace officer or former peace officer, elected
33 official or former elected official during or because of the exercise of his official duty;

34 (6) The offender caused or directed another to commit murder in the first degree or
35 committed murder in the first degree as an agent or employee of another person;

36 (7) The murder in the first degree was outrageously or wantonly vile, horrible or
37 inhuman in that it involved torture, or depravity of mind;

38 (8) The murder in the first degree was committed against any peace officer, or fireman
39 while engaged in the performance of his **or her** official duty;

40 (9) The murder in the first degree was committed by a person in, or who has escaped
41 from, the lawful custody of a peace officer or place of lawful confinement;

42 (10) The murder in the first degree was committed for the purpose of avoiding,
43 interfering with, or preventing a lawful arrest or custody in a place of lawful confinement, of
44 himself **or herself** or another;

45 (11) The murder in the first degree was committed while the defendant was engaged in
46 the perpetration or was aiding or encouraging another person to perpetrate or attempt to
47 perpetrate a felony of any degree of rape, sodomy, burglary, robbery, kidnapping, or any felony
48 offense in chapter [195] **579**;

49 (12) The murdered individual was a witness or potential witness in any past or pending
50 investigation or past or pending prosecution, and was killed as a result of his **or her** status as a
51 witness or potential witness;

52 (13) The murdered individual was an employee of an institution or facility of the
53 department of corrections of this state or local correction agency and was killed in the course of
54 performing his **or her** official duties, or the murdered individual was an inmate of such
55 institution or facility;

56 (14) The murdered individual was killed as a result of the hijacking of an airplane, train,
57 ship, bus or other public conveyance;

58 (15) The murder was committed for the purpose of concealing or attempting to conceal
59 any felony offense defined in chapter [195] **579**;

60 (16) The murder was committed for the purpose of causing or attempting to cause a
61 person to refrain from initiating or aiding in the prosecution of a felony offense defined in
62 chapter [195] **579**;

63 (17) The murder was committed during the commission of [a crime] **an offense** which
64 is part of a pattern of criminal street gang activity as defined in section 578.421.

65 3. Statutory mitigating circumstances shall include the following:

66 (1) The defendant has no significant history of prior criminal activity;

67 (2) The murder in the first degree was committed while the defendant was under the
68 influence of extreme mental or emotional disturbance;

69 (3) The victim was a participant in the defendant's conduct or consented to the act;

70 (4) The defendant was an accomplice in the murder in the first degree committed by
71 another person and his **or her** participation was relatively minor;

72 (5) The defendant acted under extreme duress or under the substantial domination of
73 another person;

74 (6) The capacity of the defendant to appreciate the criminality of his **or her** conduct or
75 to conform his **or her** conduct to the requirements of law was substantially impaired;

76 (7) The age of the defendant at the time of the [crime] **offense**.

565.035. 1. Whenever the death penalty is imposed in any case, and upon the judgment
2 becoming final in the trial court, the sentence shall be reviewed on the record by the supreme
3 court of Missouri. The circuit clerk of the court trying the case, within ten days after receiving
4 the transcript, shall transmit the entire record and transcript to the supreme court together with
5 a notice prepared by the circuit clerk and a report prepared by the trial judge. The notice shall
6 set forth the title and docket number of the case, the name of the defendant and the name and
7 address of his attorney, a narrative statement of the judgment, the offense, and the punishment

8 prescribed. The report by the judge shall be in the form of a standard questionnaire prepared and
9 supplied by the supreme court of Missouri.

10 2. The supreme court of Missouri shall consider the punishment as well as any errors
11 enumerated by way of appeal.

12 3. With regard to the sentence, the supreme court shall determine:

13 (1) Whether the sentence of death was imposed under the influence of passion, prejudice,
14 or any other arbitrary factor; and

15 (2) Whether the evidence supports the jury's or judge's finding of a statutory aggravating
16 circumstance as enumerated in subsection 2 of section 565.032 and any other circumstance
17 found;

18 (3) Whether the sentence of death is excessive or disproportionate to the penalty imposed
19 in similar cases, considering both the [crime] **offense**, the strength of the evidence and the
20 defendant.

21 4. Both the defendant and the state shall have the right to submit briefs within the time
22 provided by the supreme court, and to present oral argument to the supreme court.

23 5. The supreme court shall include in its decision a reference to those similar cases which
24 it took into consideration. In addition to its authority regarding correction of errors, the supreme
25 court, with regard to review of death sentences, shall be authorized to:

26 (1) Affirm the sentence of death; or

27 (2) Set the sentence aside and resentence the defendant to life imprisonment without
28 eligibility for probation, parole, or release except by act of the governor; or

29 (3) Set the sentence aside and remand the case for retrial of the punishment hearing. A
30 new jury shall be selected or a jury may be waived by agreement of both parties and then the
31 punishment trial shall proceed in accordance with this chapter, with the exception that the
32 evidence of the guilty verdict shall be admissible in the new trial together with the official
33 transcript of any testimony and evidence properly admitted in each stage of the original trial
34 where relevant to determine punishment.

35 6. There shall be an assistant to the supreme court, who shall be an attorney appointed
36 by the supreme court and who shall serve at the pleasure of the court. The court shall accumulate
37 the records of all cases in which the sentence of death or life imprisonment without probation
38 or parole was imposed after May 26, 1977, or such earlier date as the court may deem
39 appropriate. The assistant shall provide the court with whatever extracted information the court
40 desires with respect thereto, including but not limited to a synopsis or brief of the facts in the
41 record concerning the [crime] **offense** and the defendant. The court shall be authorized to
42 employ an appropriate staff, within the limits of appropriations made for that purpose, and such
43 methods to compile such data as are deemed by the supreme court to be appropriate and relevant

44 to the statutory questions concerning the validity of the sentence. The office of the assistant to
45 the supreme court shall be attached to the office of the clerk of the supreme court for
46 administrative purposes.

47 7. In addition to the mandatory sentence review, there shall be a right of direct appeal
48 of the conviction to the supreme court of Missouri. This right of appeal may be waived by the
49 defendant. If an appeal is taken, the appeal and the sentence review shall be consolidated for
50 consideration. The court shall render its decision on legal errors enumerated, the factual
51 substantiation of the verdict, and the validity of the sentence.

565.040. 1. In the event that the death penalty provided in this chapter is held to be
2 unconstitutional, any person convicted of murder in the first degree shall be sentenced by the
3 court to life imprisonment without eligibility for probation, parole, or release except by act of
4 the governor, with the exception that when a specific aggravating circumstance found in a case
5 is held to be unconstitutional or invalid for another reason, the supreme court of Missouri is
6 further authorized to remand the case for resentencing or retrial of the punishment pursuant to
7 subsection 5 of section [565.036] **565.035**.

8 2. In the event that any death sentence imposed pursuant to this chapter is held to be
9 unconstitutional, the trial court which previously sentenced the defendant to death shall cause
10 the defendant to be brought before the court and shall sentence the defendant to life
11 imprisonment without eligibility for probation, parole, or release except by act of the governor,
12 with the exception that when a specific aggravating circumstance found in a case is held to be
13 inapplicable, unconstitutional or invalid for another reason, the supreme court of Missouri is
14 further authorized to remand the case for retrial of the punishment pursuant to subsection 5 of
15 section 565.035.

565.050. 1. A person commits the [crime] **offense** of assault in the first degree if he **or**
2 **she** attempts to kill or knowingly causes or attempts to cause serious physical injury to another
3 person.

4 2. **The offense of** assault in the first degree is a class B felony unless in the course
5 thereof the [actor] **person** inflicts serious physical injury on the victim, **or if the victim of such**
6 **assault is a special victim, as the term "special victim" is defined under section 565.002**, in
7 which case it is a class A felony.

[565.060.] **565.052**. 1. A person commits the [crime] **offense** of assault in the second
2 degree if he **or she**:

3 (1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to
4 another person under the influence of sudden passion arising out of adequate cause; or

5 (2) Attempts to cause or knowingly causes physical injury to another person by means
6 of a deadly weapon or dangerous instrument; or

7 (3) Recklessly causes serious physical injury to another person; or

8 (4) [While in an intoxicated condition or under the influence of controlled substances
9 or drugs, operates a motor vehicle in this state and, when so operating, acts with criminal
10 negligence to cause physical injury to any other person than himself; or

11 (5)] Recklessly causes physical injury to another person by means of discharge of a
12 firearm]; or

13 (6) Operates a motor vehicle in violation of subsection 2 of section 304.022, and when
14 so operating, acts with criminal negligence to cause physical injury to any person authorized to
15 operate an emergency vehicle, as defined in section 304.022, while such person is in the
16 performance of official duties].

17 2. The defendant shall have the burden of injecting the issue of influence of sudden
18 passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

19 3. **The offense of** assault in the second degree is a class [C] **D** felony, **unless the victim**
20 **of such assault is a special victim, as the term "special victim" is defined under section**
21 **565.002, in which case it is a class B felony.**

[565.070.] **565.054.** 1. A person commits the [crime] **offense** of assault in the third
2 degree if[:

3 (1) The person attempts to cause or recklessly causes physical injury to another person;
4 or

5 (2) With criminal negligence the person causes physical injury to another person by
6 means of a deadly weapon; or

7 (3) The person purposely places another person in apprehension of immediate physical
8 injury; or

9 (4) The person recklessly engages in conduct which creates a grave risk of death or
10 serious physical injury to another person; or

11 (5) The person knowingly causes physical contact with another person knowing the other
12 person will regard the contact as offensive or provocative; or

13 (6) The person knowingly causes physical contact with an incapacitated person, as
14 defined in section 475.010, which a reasonable person, who is not incapacitated, would consider
15 offensive or provocative.

16 2. Except as provided in subsections 3 and 4 of this section, assault in the third degree
17 is a class A misdemeanor.

18 3. A person who violates the provisions of subdivision (3) or (5) of subsection 1 of this
19 section is guilty of a class C misdemeanor.

20 4. A person who has pled guilty to or been found guilty of the crime of assault in the
21 third degree more than two times against any family or household member as defined in section

22 455.010 is guilty of a class D felony for the third or any subsequent commission of the crime of
23 assault in the third degree when a class A misdemeanor. The offenses described in this
24 subsection may be against the same family or household member or against different family or
25 household members] **he or she knowingly causes physical injury to another person.**

26 **2. The offense of assault in the third degree is a class E felony, unless the victim of**
27 **such assault is a special victim, as the term "special victim" is defined under section**
28 **565.002, in which case it is a class D felony.**

565.056. 1. A person commits the offense of assault in the fourth degree if:

2 **(1) The person attempts to cause or recklessly causes physical injury, physical pain,**
3 **or illness to another person; or**

4 **(2) With criminal negligence the person causes physical injury to another person**
5 **by means of a firearm; or**

6 **(3) The person purposely places another person in apprehension of immediate**
7 **physical injury; or**

8 **(4) The person recklessly engages in conduct which creates a substantial risk of**
9 **death or serious physical injury to another person; or**

10 **(5) The person knowingly causes physical contact with a disabled person, which a**
11 **reasonable person, who is not disabled, would consider offensive or provocative; or**

12 **(6) The person knowingly causes physical contact with another person knowing the**
13 **other person will regard the contact as offensive or provocative.**

14 **2. Except as provided in subsection 3 of this section, assault in the fourth degree is**
15 **a class A misdemeanor.**

16 **3. Violation of the provisions of subdivision (3) or (6) of subsection 1 of this section**
17 **is a class C misdemeanor unless the victim is a special victim, as the term "special victim"**
18 **is defined under section 565.002, in which case a violation of such provisions is a class A**
19 **misdemeanor.**

565.072. 1. A person commits the [crime] offense of domestic assault in the first degree
2 **if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to**
3 **a [family or household member, including any child who is a member of the family or household,**
4 **as defined in section 455.010] domestic victim, as the term "domestic victim" is defined**
5 **under section 565.002.**

6 **2. The offense of domestic assault in the first degree is a class B felony unless in the**
7 **course thereof the [actor] person inflicts serious physical injury on the victim [or has previously**
8 **pleaded guilty to or been found guilty of committing this crime], in which case it is a class A**
9 **felony.**

565.073. 1. A person commits the [crime] **offense** of domestic assault in the second degree if the act involves a [family or household member, including any child who is a member of the family or household, as defined in section 455.010] **domestic victim, as the term "domestic victim" is defined under section 565.002**, and he or she:

(1) [Attempts to cause or] Knowingly causes physical injury to such family or household member by any means, including but not limited to, [by] use of a deadly weapon or dangerous instrument, or by choking or strangulation; or

(2) Recklessly causes serious physical injury to such family or household member; or

(3) Recklessly causes physical injury to such family or household member by means of any deadly weapon.

2. **The offense of** domestic assault in the second degree is a class [C] **D** felony.

565.074. 1. A person commits the [crime of domestic assault in the third degree if the act involves a family or household member, including any child who is a member of the family or household, as defined in section 455.010 and:

(1) The person attempts to cause or recklessly causes physical injury to such family or household member; or

(2) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or

(3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or

(5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

2. Except as provided in subsection 3 of this section, domestic assault in the third degree is a class A misdemeanor.

3. A person who has pleaded guilty to or been found guilty of the crime of domestic assault in the third degree more than two times against any family or household member as defined in section 455.010, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be a violation of this section, is guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault. The offenses described in this

26 subsection may be against the same family or household member or against different family or
27 household members] **offense of domestic assault in the third degree if he or she attempts to**
28 **cause physical injury or knowingly causes physical pain or illness to a domestic victim, as**
29 **the term "domestic victim" is defined under section 565.002.**

30 **2. The offense of domestic assault in the third degree is a class E felony.**

565.076. 1. A person commits the offense of domestic assault in the fourth degree
2 **if the act involves a domestic victim, as the term "domestic victim" is defined under section**
3 **565.002, and:**

4 **(1) The person attempts to cause or recklessly causes physical injury, physical pain,**
5 **or illness to such domestic victim; or**

6 **(2) With criminal negligence the person causes physical injury to such domestic**
7 **victim by means of a deadly weapon or dangerous instrument; or**

8 **(3) The person purposely places such domestic victim in apprehension of immediate**
9 **physical injury by any means; or**

10 **(4) The person recklessly engages in conduct which creates a substantial risk of**
11 **death or serious physical injury to such domestic victim; or**

12 **(5) The person knowingly causes physical contact with such domestic victim**
13 **knowing he or she will regard the contact as offensive; or**

14 **(6) The person knowingly attempts to cause or causes the isolation of such domestic**
15 **victim by unreasonably and substantially restricting or limiting his or her access to other**
16 **persons, telecommunication devices or transportation for the purpose of isolation.**

17 **2. The offense of domestic assault in the fourth degree is a class A misdemeanor,**
18 **unless the person has previously been found guilty of the offenses of assault of a domestic**
19 **victim two or more times, in which case it is a class E felony. The offenses described in this**
20 **subsection may be against the same domestic victim or against different domestic victims.**

[565.063.] 565.079. 1. As used in this section, the following terms mean:

2 **(1) "[Domestic] Assault offense":**

3 **(a) The commission of the crime of domestic assault in the first degree or domestic**
4 **assault in the second degree; or**

5 **(b) The commission of the crime of assault in the first degree or assault in the second**
6 **degree if the victim of the assault was a family or household member;**

7 **(c) The commission of a crime in another state, or any federal, tribal, or military offense**
8 **which, if committed in this state, would be a violation of any offense listed in paragraph (a) or**

9 **(b) of this subdivision;**

10 **(2) "Family" or "household member", spouses, former spouses, adults related by blood**
11 **or marriage, adults who are presently residing together or have resided together in the past and**

12 adults who have a child in common regardless of whether they have been married or have resided
13 together at any time;

14 (3) , the offenses of murder in the first degree, murder in the second degree,
15 voluntary manslaughter, involuntary manslaughter in the first degree, assault in the first
16 degree, assault in the second degree, assault in the third degree, assault in the fourth
17 degree, domestic assault in the first degree, domestic assault in the second degree, domestic
18 assault in the third degree, domestic assault in the fourth degree, or an attempt to commit
19 any of these offenses, or the commission of an offense in another jurisdiction that if
20 committed in this state would constitute commission of any of the listed offenses;

21 (2) "Persistent [domestic violence] **assault** offender", a person who has [pleaded guilty
22 to or has] been found guilty of two or more [domestic] assault offenses, where such two or more
23 offenses occurred within ten years of the occurrence of the [domestic] assault offense for which
24 the person is charged; and

25 [(4)] (3) "Prior [domestic violence] **assault** offender", a person who has [pleaded guilty
26 to or has] been found guilty of one [domestic] assault offense, where such prior offense occurred
27 within five years of the occurrence of the [domestic] assault offense for which the person is
28 charged.

29 2. No court shall suspend the imposition of sentence as to a prior or persistent [domestic
30 violence] **assault** offender pursuant to this section nor sentence such person to pay a fine in lieu
31 of a term of imprisonment, section 557.011 to the contrary notwithstanding, nor shall such
32 person be eligible for parole or probation until such person has served a minimum of six months'
33 imprisonment.

34 3. The court shall find the defendant to be a prior [domestic violence] **assault** offender
35 or persistent [domestic violence] **assault** offender, if:

36 (1) The indictment or information, original or amended, or the information in lieu of an
37 indictment pleads all essential facts warranting a finding that the defendant is a prior [domestic
38 violence] **assault** offender or persistent [domestic violence] **assault** offender; and

39 (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding
40 beyond a reasonable doubt the defendant is a prior [domestic violence] **assault** offender or
41 persistent [domestic violence] **assault** offender; and

42 (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt
43 by the court that the defendant is a prior [domestic violence] **assault** offender or persistent
44 [domestic violence] **assault** offender.

45 4. In a jury trial, such facts shall be pleaded, established and found prior to submission
46 to the jury outside of its hearing.

47 5. In a trial without a jury or upon a plea of guilty, the court may defer the proof in
48 findings of such facts to a later time, but prior to sentencing.

49 6. The defendant shall be accorded full rights of confrontation and cross-examination,
50 with the opportunity to present evidence, at such hearings.

51 7. The defendant may waive proof of the facts alleged.

52 8. Nothing in this section shall prevent the use of presentence investigations or
53 commitments.

54 9. At the sentencing hearing both the state and the defendant shall be permitted to present
55 additional information bearing on the issue of sentence.

56 10. The [pleas or] findings of [guilty] **guilt** shall be prior to the date of commission of
57 the present offense.

58 11. The court shall not instruct the jury as to the range of punishment or allow the jury,
59 upon a finding of [guilty] **guilt**, to assess and declare the punishment as part of its verdict in
60 cases of prior [domestic violence] **assault** offenders or persistent [domestic violence] **assault**
61 offenders.

62 12. Evidence of prior convictions shall be heard and determined by the trial court out of
63 the hearing of the jury prior to the submission of the case to the jury, and shall include but not
64 be limited to evidence of convictions received by a search of the records of the Missouri uniform
65 law enforcement system maintained by the Missouri state highway patrol. After hearing the
66 evidence, the court shall enter its findings thereon.

67 13. [Evidence of similar criminal convictions of domestic violence pursuant to this
68 chapter, chapter 566, or chapter 568 within five years of the offense at issue, shall be admissible
69 for the purposes of showing a past history of domestic violence.

70 14. Any person who has pleaded guilty to or been found guilty of a violation of section
71 565.072 shall be sentenced to the authorized term of imprisonment for a class A felony if the
72 court finds the offender is a prior domestic violence offender. The offender shall be sentenced
73 to the authorized term of imprisonment for a class A felony which term shall be served without
74 probation or parole if the court finds the offender is a persistent domestic violence offender or
75 the prior domestic violence offender inflicts serious physical injury on the victim.

76 15. Any person who has pleaded guilty to or been found guilty of a violation of section
77 565.073 shall be sentenced:

78 (1) To the authorized term of imprisonment for a class B felony if the court finds the
79 offender is a prior domestic violence offender; or

80 (2) To the authorized term of imprisonment for a class A felony if the court finds the
81 offender is a persistent domestic violence offender] **The court shall sentence a person, who has**
82 **been found to be a prior assault offender, and is found guilty of a class B, C, or D felony**

83 under this chapter to the authorized term of imprisonment for the class one class step
84 higher than the offense for which the person was found guilty.

85 **14. The court shall sentence a person, who has been found to be a persistent assault**
86 **offender, and is found guilty of a class C or D felony under this chapter to the authorized**
87 **term of imprisonment for the class two steps higher than the offense for which the person**
88 **was found guilty. A person found to be a persistent assault offender who is found guilty**
89 **of a class B felony shall be sentenced to the authorized term of imprisonment for a class A**
90 **felony.**

565.090. 1. A person commits the crime of harassment **in the first degree** if he or she[:

2 (1) Knowingly communicates a threat to commit any felony to another person and in so
3 doing frightens, intimidates, or causes emotional distress to such other person; or

4 (2) When communicating with another person, knowingly uses coarse language
5 offensive to one of average sensibility and thereby puts such person in reasonable apprehension
6 of offensive physical contact or harm; or

7 (3) Knowingly frightens, intimidates, or causes emotional distress to another person by
8 anonymously making a telephone call or any electronic communication; or

9 (4) Knowingly communicates with another person who is, or who purports to be,
10 seventeen years of age or younger and in so doing and without good cause recklessly frightens,
11 intimidates, or causes emotional distress to such other person; or

12 (5) Knowingly makes repeated unwanted communication to another person; or

13 (6) Without good cause engages in any other act with the purpose to frighten, intimidate,
14 or cause emotional distress to another person, cause such person to be frightened, intimidated,
15 or emotionally distressed, and such person's response to the act is one of a person of average
16 sensibilities considering the age of such person] , **without good cause, engages in any act with**
17 **the purpose to cause emotional distress to another person, and such act does cause such**
18 **person to suffer emotional distress.**

19 **2. The offense of harassment** [is a class A misdemeanor unless:

20 (1) Committed by a person twenty-one years of age or older against a person seventeen
21 years of age or younger; or

22 (2) The person has previously pleaded guilty to or been found guilty of a violation of this
23 section, or of any offense committed in violation of any county or municipal ordinance in any
24 state, any state law, any federal law, or any military law which, if committed in this state, would
25 be chargeable or indictable as a violation of any offense listed in this subsection. In such cases,
26 harassment shall be a class D felony] **in the first degree is a class E felony.**

27 3. This section shall not apply to activities of federal, state, county, or municipal law
28 enforcement officers conducting investigations of violation of federal, state, county, or municipal
29 law.

**565.091. 1. A person commits the offense of harassment in the second degree if he
2 or she without good cause, engages in any act with the purpose to cause emotional distress
3 to another person.**

2. The offense of harassment in the second degree is a class A misdemeanor.

 565.110. 1. A person commits the [crime] **offense of kidnapping in the first degree** if
2 he or she unlawfully removes another **person** without his or her consent from the place where
3 he or she is found or unlawfully confines another **person** without his or her consent for a
4 substantial period, for the purpose of:

5 (1) Holding that person for ransom or reward, or for any other act to be performed or not
6 performed for the return or release of that person; or

7 (2) Using the person as a shield or as a hostage; or

8 (3) Interfering with the performance of any governmental or political function; or

9 (4) Facilitating the commission of any felony or flight thereafter; or

10 (5) Inflicting physical injury on or terrorizing the victim or another.

11 **2. The offense of kidnapping in the first degree** is a class A felony unless committed
12 under subdivision (4) or (5) of subsection 1 in which cases it is a class B felony.

 565.115. 1. A person commits the [crime] **offense of child kidnapping** if [such person]
2 **he or she** is not a relative of the child within the third degree and [such person:

3 (1) Unlawfully removes a child under the age of fourteen without the consent of such
4 child's parent or guardian from the place where such child is found; or

5 (2) Unlawfully confines a child under the age of fourteen without the consent of such
6 child's parent or guardian] , **knowing he or she has no right to do so, removes a child under
7 the age of fourteen without consent of the child's parents or guardian, or confines such
8 child for a substantial period of time without such consent.**

9 2. In determining whether the child was removed or confined unlawfully, it is an
10 affirmative defense that the person reasonably believed that the person's actions were necessary
11 to preserve the child from danger to his or her welfare.

12 **3. The offense of child kidnapping** is a class [A] **B felony, unless such child is under
13 two years of age, in which case it is a class A felony.**

 565.120. 1. A person commits the [crime of felonious restraint] **offense of kidnapping
2 in the second degree** if he **or she** knowingly restrains another unlawfully and without consent
3 so as to interfere substantially with his **or her** liberty and exposes him **or her** to a substantial risk
4 of serious physical injury.

5 2. [Felonious restraint is a class C felony] **The offense of kidnapping in the second**
6 **degree is a class D felony.**

 565.130. 1. A person commits the [crime of false imprisonment] **offense of kidnapping**
2 **in the third degree** if he **or she** knowingly restrains another unlawfully and without consent so
3 as to interfere substantially with his **or her** liberty.

 2. [False imprisonment] **The offense of kidnapping in the third degree** is a class A
5 misdemeanor unless the person unlawfully restrained is removed from this state, in which case
6 it is a class [D] **E** felony.

 565.140. 1. A person does not commit [false imprisonment] **the offense of kidnapping**
2 **in the third degree** under section 565.130 if the person restrained is a child [under the age of]
3 **less than seventeen years of age** and:

4 (1) A parent, guardian or other person responsible for the general supervision of the
5 child's welfare has consented to the restraint; or

6 (2) The [actor] **person** is a relative of the child; and

7 (a) The [actor's] **person's** sole purpose is to assume control of the child; and

8 (b) The child is not taken out of the state of Missouri.

9 2. For the purpose of this section, "relative" means a parent or stepparent, ancestor,
10 sibling, uncle or aunt, including an adoptive relative of the same degree through marriage or
11 adoption.

12 3. The defendant shall have the burden of injecting the issue of a defense under this
13 section.

 565.150. 1. A person commits the [crime] **offense** of interference with custody if,
2 knowing that he **or she** has no legal right to do so, he **or she** takes or entices from legal custody
3 any person entrusted by order of a court to the custody of another person or institution.

4 2. **The offense of** interference with custody is a class A misdemeanor unless the person
5 taken or enticed away from legal custody is removed from this state, detained in another state or
6 concealed, in which case it is a class [D] **E** felony.

7 3. **Upon a finding of guilt for an offense under this section, the court may, in**
8 **addition to or in lieu of any sentence or fine imposed, assess as restitution against the**
9 **defendant and in favor of the legal custodian or parent, any reasonable expenses incurred**
10 **by the legal custodian or parent in searching for or returning the child.**

 565.153. 1. In the absence of a court order determining rights of custody or visitation
2 to a child, a person having a right of custody of the child commits the [crime] **offense** of parental
3 kidnapping if he **or she** removes, takes, detains, conceals, or entices away that child within or
4 without the state, without good cause, and with the intent to deprive the custody right of another
5 person or a public agency also having a custody right to that child.

6 2. Parental kidnapping is a class [D] E felony, unless committed by detaining or
7 concealing the whereabouts of the child for:

8 (1) Not less than sixty days but not longer than one hundred nineteen days, in which
9 case, the [crime] offense is a class [C] D felony;

10 (2) Not less than one hundred twenty days, in which case, the [crime] offense is a class
11 [B] C felony.

12 3. A subsequently obtained court order for custody or visitation shall not affect the
13 application of this section.

14 **4. Upon a finding of guilt for an offense under this section, the court may, in**
15 **addition to or in lieu of any sentence or fine imposed, assess as restitution against the**
16 **defendant and in favor of the legal custodian or parent, any reasonable expenses incurred**
17 **by the legal custodian or parent in searching for or returning the child.**

565.156. 1. A person commits the [crime] offense of child abduction if he or she:

2 (1) Intentionally takes, detains, entices, conceals or removes a child from a parent after
3 being served with process in an action affecting marriage or paternity but prior to the issuance
4 of a temporary or final order determining custody; **or**

5 (2) At the expiration of visitation rights outside the state, intentionally fails or refuses
6 to return or impedes the return of the child to the legal custodian in Missouri; **or**

7 (3) Conceals, detains, or removes the child for payment or promise of payment at the
8 instruction of a person who has no legal right to custody; **or**

9 (4) Retains in this state for thirty days a child removed from another state without the
10 consent of the legal custodian or in violation of a valid court order of custody; or

11 (5) Having legal custody of the child pursuant to a valid court order, removes, takes,
12 detains, conceals or entices away that child within or without the state, without good cause, and
13 with the intent to deprive the custody or visitation rights of another person, without obtaining
14 written consent as is provided under section 452.377.

15 **2. The offense of child abduction is a class [D] E felony.**

16 **3. Upon a finding of guilt for an offense under this section, the court may, in**
17 **addition to or in lieu of any sentence or fine imposed, assess as restitution against the**
18 **defendant and in favor of the legal custodian or parent, any reasonable expenses incurred**
19 **by the legal custodian or parent in searching for or returning the child.**

565.160. It shall be an absolute defense to the [crimes] offenses of **interference with**
2 **custody**, parental kidnapping, and child abduction that:

3 (1) The person had custody of the child pursuant to a valid court order granting legal
4 custody or visitation rights which existed at the time of the alleged violation, except that this

5 defense is not available to persons charged with child abduction under subdivision (5) of
6 subsection 1 of section 565.156;

7 (2) [The person had physical custody of the child pursuant to a court order granting legal
8 custody or visitation rights and failed to return the child as a result of circumstances beyond his
9 or her control, and the person notified or made a reasonable attempt to notify the other parent or
10 legal custodian of the child of such circumstances within twenty-four hours after the visitation
11 period had expired and returned the child as soon as possible] **After expiration of a period of**
12 **custody or visitation granted by court order, the person failed to return the child as a result**
13 **of circumstances beyond such person's control, and the person notified or made a**
14 **reasonable attempt to notify the other parent or legal custodian of the child of such**
15 **circumstance within twenty-four hours after the expiration of the period of custody or**
16 **visitation and returned the child as soon as possible; or**

17 (3) The person was fleeing an incident or pattern of domestic violence.

565.163. Persons accused of committing the [crime] **offense** of interference with
2 custody, parental kidnapping or child abduction [shall] **may** be prosecuted by the prosecuting
3 attorney or circuit attorney:

4 (1) In the county in which the child was taken or enticed away from legal custody; **or**

5 (2) In any county in which the child who was taken or enticed away from legal custody
6 was taken or held by the defendant; **or**

7 (3) The county in which lawful custody of the child taken or enticed away was granted;
8 **or**

9 (4) The county in which the defendant is found.

565.184. 1. A person commits the [crime of elder abuse in the third degree] **offense of**
2 **abuse of an elderly or disabled person** if he **or she**:

3 (1) [Knowingly causes or attempts to cause physical contact with any person sixty years
4 of age or older or an eligible adult as defined in section 660.250, knowing the other person will
5 regard the contact as harmful or provocative; or

6 (2)] Purposely engages in conduct involving more than one incident that causes [grave]
7 emotional distress to [a person sixty years of age or older or an eligible adult, as defined in
8 section 660.250] **an elderly or disabled person**. The course of conduct shall be such as would
9 cause a reasonable [person age sixty years of age or older or an eligible adult, as defined in
10 section 660.250,] **elderly or disabled person** to suffer substantial emotional distress; or

11 [(3) Purposely or knowingly places a person sixty years of age or older or an eligible
12 adult, as defined in section 660.250, in apprehension of immediate physical injury; or

13 (4)] **(2)** Intentionally fails to provide care, goods or services to [a person sixty years of
14 age or older or an eligible adult, as defined in section 660.250] **an elderly or disabled person**.

15 The result of the conduct shall be such as would cause a reasonable [person age sixty or older
16 or an eligible adult, as defined in section 660.250,] **elderly or disabled person** to suffer physical
17 or emotional distress; or

18 [(5)] **(3)** Knowingly acts or knowingly fails to act in a manner which results in a [grave]
19 **substantial** risk to the life, body or health of [a person sixty years of age or older or an eligible
20 adult, as defined in section 660.250] **an elderly or disabled person**.

21 2. [Elder abuse in the third degree] **The offense of abuse of an elderly or disabled**
22 **person** is a class A misdemeanor.

565.188. 1. [When any adult day care worker; chiropractor; Christian Science
2 practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental
3 health, or health and senior services; employee of a local area agency on aging or an organized
4 area agency on aging program; funeral director; home health agency or home health agency
5 employee; hospital and clinic personnel engaged in examination, care, or treatment of persons;
6 in-home services owner, provider, operator, or employee; law enforcement officer; long-term
7 care facility administrator or employee; medical examiner; medical resident or intern; mental
8 health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner;
9 peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist;
10 probation or parole officer; psychologist; social worker; or other person with responsibility for
11 the care of a person sixty years of age or older has reasonable cause to suspect that such a person
12 has been subjected to abuse or neglect or observes such a person being subjected to conditions
13 or circumstances which would reasonably result in abuse or neglect, he or she shall immediately
14 report or cause a report to be made to the department in accordance with the provisions of
15 sections 660.250 to 660.295. Any other person who becomes aware of circumstances which may
16 reasonably be expected to be the result of or result in abuse or neglect may report to the
17 department.

18 2. Any person who knowingly fails to make a report as required in subsection 1 of this
19 section is guilty of a class A misdemeanor.

20 3. Any person who purposely files a false report of elder abuse or neglect is guilty of a
21 class A misdemeanor.

22 4. Every person who has been previously convicted of or pled guilty to making a false
23 report to the department and who is subsequently convicted of making a false report under
24 subsection 3 of this section is guilty of a class D felony.

25 5. Evidence of prior convictions of false reporting shall be heard by the court, out of the
26 hearing of the jury, prior to the submission of the case to the jury, and the court shall determine
27 the existence of the prior convictions] **A person commits the offense of failure to report elder**

28 **abuse or neglect if he or she is required to make a report as required under subdivision (2)**
29 **of subsection 1 of section 197.1002, and knowingly fails to make a report.**

30 **2. The offense of failure to report elder abuse or neglect is a class A misdemeanor.**

565.189. 1. A person commits the offense of filing a false elder abuse or neglect
2 **report if he or she knowingly files a false report of elder abuse or neglect.**

3 **2. The offense of filing a false elder abuse or neglect report is a class A**
4 **misdemeanor, unless the person has previously been found guilty of making a false report**
5 **to the department and is subsequently found guilty of making a false report under this**
6 **section, in which case it is a class E felony.**

7 **3. Evidence of prior convictions of false reporting shall be heard by the court, out**
8 **of the hearing of the jury, prior to the submission of the case to the jury, and the court**
9 **shall determine the existence of the prior convictions.**

565.218. 1. [When any physician, physician assistant, dentist, chiropractor, optometrist,
2 **podiatrist, intern, resident, nurse, nurse practitioner, medical examiner, social worker, licensed**
3 **professional counselor, certified substance abuse counselor, psychologist, physical therapist,**
4 **pharmacist, other health practitioner, minister, Christian Science practitioner, facility**
5 **administrator, nurse's aide or orderly in a residential facility, day program or specialized service**
6 **operated, funded or licensed by the department or in a mental health facility or mental health**
7 **program in which people may be admitted on a voluntary basis or are civilly detained pursuant**
8 **to chapter 632; or employee of the departments of social services, mental health, or health and**
9 **senior services; or home health agency or home health agency employee; hospital and clinic**
10 **personnel engaged in examination, care, or treatment of persons; in-home services owner,**
11 **provider, operator, or employee; law enforcement officer; long-term care facility administrator**
12 **or employee; mental health professional; peace officer; probation or parole officer; or other**
13 **nonfamilial person with responsibility for the care of a vulnerable person, as defined by section**
14 **630.005, has reasonable cause to suspect that such a person has been subjected to abuse or**
15 **neglect or observes such a person being subjected to conditions or circumstances that would**
16 **reasonably result in abuse or neglect, he or she shall immediately report or cause a report to be**
17 **made to the department in accordance with section 630.163. Any other person who becomes**
18 **aware of circumstances which may reasonably be expected to be the result of or result in abuse**
19 **or neglect may report to the department. Notwithstanding any other provision of this section,**
20 **a duly ordained minister, clergy, religious worker, or Christian Science practitioner while**
21 **functioning in his or her ministerial capacity shall not be required to report concerning a**
22 **privileged communication made to him or her in his or her professional capacity.] A person**
23 **commits the offense of failure to report vulnerable person abuse or neglect if he or she is**
24 **required to make a report under section 630.162 and knowingly fails to make a report.**

25 2. [Any person who knowingly fails to make a report as required in subsection 1 of this
26 section is guilty of a class A misdemeanor and shall be subject to a fine up to one thousand
27 dollars] **The offense of knowingly failing to make a report as required in this section is a**
28 **class A misdemeanor and the offender shall be subject to a fine up to one thousand dollars,**
29 **unless the offender has previously been found guilty of failing to make a report as required**
30 **in this section, in which case the offense is a class E felony and the offender shall be subject**
31 **to a fine up to five thousand dollars.** Penalties collected for violations of this section shall be
32 transferred to the state school moneys fund as established in section 166.051 and distributed to
33 the public schools of this state in the manner provided in section 163.031. Such penalties shall
34 not be considered charitable for tax purposes.

35 [3. Every person who has been previously convicted of or pled guilty to failing to make
36 a report as required in subsection 1 of this section and who is subsequently convicted of failing
37 to make a report under subsection 2 of this section is guilty of a class D felony and shall be
38 subject to a fine up to five thousand dollars. Penalties collected for violation of this subsection
39 shall be transferred to the state school moneys fund as established in section 166.051 and
40 distributed to the public schools of this state in the manner provided in section 163.031. Such
41 penalties shall not be considered charitable for tax purposes.

42 4. Any person who knowingly files a false report of vulnerable person abuse or neglect
43 is guilty of a class A misdemeanor and shall be subject to a fine up to one thousand dollars.
44 Penalties collected for violations of this subsection shall be transferred to the state school
45 moneys fund as established in section 166.051 and distributed to the public schools of this state
46 in the manner provided in section 163.031. Such penalties shall not be considered charitable for
47 tax purposes.

48 5. Every person who has been previously convicted of or pled guilty to making a false
49 report to the department and who is subsequently convicted of making a false report under
50 subsection 4 of this section is guilty of a class D felony and shall be subject to a fine up to five
51 thousand dollars. Penalties collected for violations of this subsection shall be transferred to the
52 state school moneys fund as established in section 166.051 and distributed to the public schools
53 of this state in the manner provided in section 163.031. Such penalties shall not considered
54 charitable for tax purposes.

55 6. Evidence of prior convictions of false reporting shall be heard by the court, out of the
56 hearing of the jury, prior to the submission of the case to the jury, and the court shall determine
57 the existence of the prior convictions.

58 7. Any residential facility, day program or specialized service operated, funded or
59 licensed by the department that prevents or discourages a patient, resident or client, employee
60 or other person from reporting that a patient, resident or client of a facility, program or service

61 has been abused or neglected shall be subject to loss of their license issued pursuant to sections
62 630.705 to 630.760, and civil fines of up to five thousand dollars for each attempt to prevent or
63 discourage reporting.]

565.222. 1. A person commits the offense of filing a false vulnerable abuse report if he or she knowingly files a false report of vulnerable person abuse or neglect.

2. The offense of filing a false report of vulnerable person abuse or neglect is a class A misdemeanor and the offender shall be subject to a fine up to one thousand dollars, unless the offender has previously been found guilty of making a false report to the department, in which case the offense is a class E felony and the offender shall be subject to a fine up to five thousand dollars. Penalties collected for violations of this subsection shall be transferred to the state school moneys fund as established in section 166.051 and distributed to the public schools of this state in the manner provided in section 163.031. Such penalties shall not be considered charitable for tax purposes.

3. Evidence of prior findings of guilt under this section shall be heard by the court, out of the hearing of the jury, prior to the submission of the case to the jury, and the court shall determine the existence of the prior convictions.

565.225. 1. [As used in this section, the following terms shall mean:

2 (1) "Course of conduct", a pattern of conduct composed of two or more acts, which may
3 include communication by any means, over a period of time, however short, evidencing a
4 continuity of purpose. Constitutionally protected activity is not included within the meaning of
5 course of conduct. Such constitutionally protected activity includes picketing or other organized
6 protests;

7 (2) "Credible threat", a threat communicated with the intent to cause the person who is
8 the target of the threat to reasonably fear for his or her safety, or the safety of his or her family,
9 or household members or domestic animals or livestock as defined in section 276.606 kept at
10 such person's residence or on such person's property. The threat must be against the life of, or
11 a threat to cause physical injury to, or the kidnapping of, the person, the person's family, or the
12 person's household members or domestic animals or livestock as defined in section 276.606 kept
13 at such person's residence or on such person's property;

14 (3) "Harasses", to engage in a course of conduct directed at a specific person that serves
15 no legitimate purpose, that would cause a reasonable person under the circumstances to be
16 frightened, intimidated, or emotionally distressed.

17 2.] A person commits the [crime] **offense of stalking in the first degree** if he or she
18 purposely, through his or her course of conduct, [harasses] **disturbs** or follows with the intent
19 of [harassing] **disturbing** another person[.

20 3. A person commits the crime of aggravated stalking if he or she purposely, through his
21 or her course of conduct, harasses or follows with the intent of harassing another person,] and:

22 (1) Makes a [credible] threat **communicated with the intent to cause the person who**
23 **is the target of the threat to reasonably fear for his or her safety, or the safety of his or her**
24 **family, or household member or domestic animals or livestock, as defined in section**
25 **276.606, kept at such person's residence or on such person's property. The threat shall be**
26 **against the life of, or a threat to cause physical injury to, or the kidnapping of the person,**
27 **the person's family, or the person's household members or domestic animals or livestock,**
28 **as defined in section 276.606, kept at such person's residence or on such person's property;**
29 or

30 (2) At least one of the acts constituting the course of conduct is in violation of an order
31 of protection and the person has received actual notice of such order; or

32 (3) At least one of the actions constituting the course of conduct is in violation of a
33 condition of probation, parole, pretrial release, or release on bond pending appeal; or

34 (4) At any time during the course of conduct, the other person is seventeen years [of age]
35 **old** or younger and the person [harassing] **disturbing** the other person is twenty-one years [of
36 age] **old** or older; or

37 (5) He or she has previously pleaded guilty to or been found guilty of domestic assault,
38 violation of an order of protection, or any other crime where the other person was the victim.

39 [4. The crime of stalking shall be a class A misdemeanor unless the person has
40 previously pleaded guilty to or been found guilty of a violation of this section, or of any offense
41 committed in violation of any county or municipal ordinance in any state, any state law, any
42 federal law, or any military law which, if committed in this state, would be chargeable or
43 indictable as a violation of any offense listed in this section, in which case stalking shall be a
44 class D felony.

45 5. The crime of aggravated stalking shall be a class D felony unless the person has
46 previously pleaded guilty to or been found guilty of a violation of this section, or of any offense
47 committed in violation of any county or municipal ordinance in any state, any state law, any
48 federal law, or any military law which, if committed in this state, would be chargeable or
49 indictable as a violation of any offense listed in this section, aggravated stalking shall be a class
50 C felony.

51 6.] 2. Any law enforcement officer may arrest, without a warrant, any person he or she
52 has probable cause to believe has violated the provisions of this section.

53 [7.] 3. This section shall not apply to activities of federal, state, county, or municipal law
54 enforcement officers conducting investigations of violation of federal, state, county, or municipal
55 law.

56 **4. The offense of stalking in the first degree is a class E felony, unless the defendant**
57 **has previously been found guilty of a violation of this section or section 565.227, or any**
58 **offense committed in another jurisdiction which, if committed in this state, would be**
59 **chargeable or indictable as a violation of any offense listed in this section or section**
60 **565.227, in which case stalking in the first degree is a class D felony.**

565.227. 1. A person commits the offense of stalking in the second degree if he or
2 **she purposely, through his or her course of conduct, disturbs, or follows with the intent of**
3 **disturbing another person.**

4 **2. This section shall not apply to activities of federal, state, county, or municipal law**
5 **enforcement officers conducting investigations of violation of federal, state, county, or**
6 **municipal law.**

7 **3. Any law enforcement officer may arrest, without a warrant, any person he or she**
8 **has probable cause to believe has violated the provisions of this section.**

9 **4. The offense of stalking in the second degree is a class A misdemeanor, unless the**
10 **defendant has previously been found guilty of a violation of this section or section 565.225,**
11 **or of any offense committed in another jurisdiction which, if committed in this state, would**
12 **be chargeable or indictable as a violation of any offense listed in this section or section**
13 **565.225, in which case stalking in the second degree is a class E felony.**

[578.450.] 565.240. [No person shall] 1. A person commits the offense of unlawful
2 **posting of certain information over the internet if he or she knowingly [post] posts the name,**
3 **home address, Social Security number, or telephone number of any person on the internet**
4 **intending to cause great bodily harm or death, or threatening to cause great bodily harm or death**
5 **to such person. [Any person who violates this section is guilty of a class C misdemeanor.]**

6 **2. The offense of unlawful posting of certain information over the internet is a class**
7 **C misdemeanor.**

565.252. 1. A person commits the [crime] offense of invasion of privacy in the first
2 **degree if [such person] he or she knowingly:**

3 **(1) [Knowingly] Photographs [or] , films, videotapes, produces, or otherwise creates**
4 **an image of another person, without the person's [knowledge and] consent, while the person**
5 **[being photographed or filmed] is in a state of full or partial nudity and is in a place where one**
6 **would have a reasonable expectation of privacy[, and the] ; or**

7 **(2) Photographs, films, videotapes, produces, or otherwise creates an image of**
8 **another person under or through the clothing worn by that other person for the purpose**
9 **of viewing the body of or the undergarments worn by that other person without that**
10 **person's consent.**

11 **2. Invasion of privacy is a class A misdemeanor unless:**

12 **(1) A person [subsequently] who creates an image in violation of this section**
13 distributes the [photograph or film] **image** to another or transmits the image [contained in the
14 photograph or film] in a manner that allows access to that image via [a] computer; or

15 **(2) [Knowingly] A person** disseminates or permits the dissemination by any means, to
16 another person, of a videotape, photograph, or film obtained in violation of [subdivision (1) of
17 this subsection or in violation of section 565.253.

18 **2. Invasion of privacy in the first degree is a class D felony] this section; or**

19 **(3) More than one person is viewed, photographed, filmed or videotaped during the**
20 **same course of conduct; or**

21 **(4) The offense was committed by a person who has previously been found guilty**
22 **of invasion of privacy;**

23 **in which case invasion of privacy is a class E felony.**

24 **3. Prior findings of guilt shall be pled and proven in the same manner required by**
25 **the provisions of section 558.021.**

26 **4. As used in this section, "same course of conduct" means more than one person**
27 **has been viewed, photographed, filmed, or videotaped under the same or similar**
28 **circumstances pursuant to one scheme or course of conduct, whether at the same or**
29 **different times.**

 565.300. 1. This section shall be known and may be cited as the "Infant's Protection
2 Act".

3 2. As used in this section, and only in this section, the following terms shall mean:

4 (1) "Born", complete separation of an intact child from the mother regardless of whether
5 the umbilical cord is cut or the placenta detached;

6 (2) "Living infant", a human child, born or partially born, who is alive, as determined
7 in accordance with the usual and customary standards of medical practice and is not dead as
8 determined pursuant to section 194.005, relating to the determination of the occurrence of death,
9 and has not attained the age of thirty days post birth;

10 (3) "Partially born", partial separation of a child from the mother with the child's head
11 intact with the torso. If vaginally delivered, a child is partially separated from the mother when
12 the head in a cephalic presentation, or any part of the torso above the navel in a breech
13 presentation, is outside the mother's external cervical os. If delivered abdominally, a child is
14 partially separated from the mother when the child's head in a cephalic presentation, or any part
15 of the torso above the navel in a breech presentation, is outside the mother's external abdominal
16 wall.

17 3. A person [is guilty of the crime] **commits the offense** of infanticide if [such person]
18 **he or she** causes the death of a living infant with the purpose to cause said death by an overt act
19 performed when the infant is partially born or born.

20 4. The [crime] **offense** of infanticide [shall be] **is** a class A felony.

21 5. A physician using procedures consistent with the usual and customary standards of
22 medical practice to save the life of the mother during pregnancy or birth or to save the life of any
23 unborn or partially born child of the same pregnancy shall not be criminally responsible under
24 this section. In no event shall the mother be criminally responsible pursuant to this section for
25 the acts of the physician if the physician is not held criminally responsible pursuant to this
26 section.

27 6. This section shall not apply to any person who performs or attempts to perform a legal
28 abortion if the act that causes the death is performed prior to the child being partially born, even
29 though the death of the child occurs as a result of the abortion after the child is partially born.

30 7. Only that person who performs the overt act required under subsection 3 of this
31 section shall be culpable under this section, unless a person, with the purpose of committing
32 infanticide, does any act which is a substantial step towards the commission of the offense which
33 results in the death of the living infant. A "substantial step" is conduct which is strongly
34 corroborative of the firmness of the actor's purpose to complete the commission of the offense.

35 8. Nothing in this section shall be interpreted to exclude the defenses otherwise available
36 to any person under the law including defenses provided pursuant to chapters 562 and 563.

566.010. As used in this chapter and chapter 568, the following terms mean:

2 (1) **"Aggravated sexual offense", any sexual offense, in the course of which, the**
3 **actor:**

4 **(a) Inflicts serious physical injury on the victim; or**

5 **(b) Displays a deadly weapon or dangerous instrument in a threatening manner;**

6 **or**

7 **(c) Subjects the victim to sexual intercourse or deviate sexual intercourse with more**
8 **than one person; or**

9 **(d) Had previously been found guilty of an offense under this chapter or under**
10 **section 573.200, child used in sexual performance; section 573.205, promoting sexual**
11 **performance by a child; section 573.023, sexual exploitation of a minor; section 573.025,**
12 **promoting child pornography in the first degree; section 573.035, promoting child**
13 **pornography in the second degree; section 573.037, possession of child pornography; or**
14 **section 573.040, furnishing pornographic materials to minors; or has previously been**
15 **found guilty of an offense in another jurisdiction which would constitute an offense under**
16 **this chapter or said sections; or**

17 (e) **Commits the offense as part of an act or series of acts performed by two or more**
18 **persons as part of an established or prescribed pattern of activity;**

19 (2) **"Commercial sex act", any sex act on account of which anything of value is**
20 **given to or received by any person;**

21 (3) **"Deviate sexual intercourse", any act involving the genitals of one person and the**
22 **hand, mouth, tongue, or anus of another person or a sexual act involving the penetration,**
23 **however slight, of the [male or female sex organ] penis or vagina or the anus by a finger,**
24 **instrument or object done for the purpose of arousing or gratifying the sexual desire of any**
25 **person or for the purpose of terrorizing the victim;**

26 (4) **"Forced labor", a condition of servitude induced by means of:**

27 (a) **Any scheme, plan, or pattern of behavior intended to cause a person to believe**
28 **that, if the person does not enter into or continue the servitude, such person or another**
29 **person will suffer substantial bodily harm or physical restraint; or**

30 (b) **The abuse or threatened abuse of the legal process;**

31 [(2)] (5) **"Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual**
32 **contact;**

33 [(3)] (6) **"Sexual contact", any touching of another person with the genitals or any**
34 **touching of the genitals or anus of another person, or the breast of a female person, or such**
35 **touching through the clothing, for the purpose of arousing or gratifying the sexual desire of any**
36 **person or for the purpose of terrorizing the victim;**

37 [(4)] (7) **"Sexual intercourse", any penetration, however slight, of the [female sex organ**
38 **by the male sex organ, whether or not an emission results] vagina by the penis.**

566.020. 1. [Whenever in this chapter the criminality of conduct depends upon a
2 victim's being incapacitated, no crime is committed if the actor reasonably believed that the
3 victim was not incapacitated and reasonably believed that the victim consented to the act. The
4 defendant shall have the burden of injecting the issue of belief as to capacity and consent.

5 2.] Whenever in this chapter the criminality of conduct depends upon a child being
6 [thirteen] **less than fourteen** years of age [or younger], it is no defense that the defendant
7 believed the child to be older.

8 [3.] 2. Whenever in this chapter the criminality of conduct depends upon a child being
9 [under] **less than** seventeen years of age, it is an affirmative defense that the defendant
10 reasonably believed that the child was seventeen years of age or older.

11 [4.] 3. Consent is not [an affirmative] **a** defense to any offense under **this** chapter [566]
12 if the alleged victim is less than [twelve] **fourteen** years of age.

566.023. It shall be an affirmative defense to prosecutions [pursuant to sections] **under**
2 **section 566.032, statutory rape in the first degree; section 566.034, statutory rape in the**

3 **second degree; section 566.062, statutory sodomy in the first degree; section 566.064,**
4 **statutory sodomy in the second degree; section 566.067, child molestation in the first**
5 **degree; section 566.068, [and 566.090] child molestation in the second degree; section**
6 **566.069, child molestation in the third degree; section 566.071, child molestation in the**
7 **fourth degree; section 566.083, sexual misconduct involving a child; section 566.086, sexual**
8 **contact with a student; and section 573.040, furnishing pornographic materials to minors;**
9 that the defendant was married to the victim at the time of the offense.

566.030. 1. A person commits the [crime] **offense of [forcible] rape in the first degree**
2 if [such person] **he or she** has sexual intercourse with another person **who is incapacitated,**
3 **incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion.
4 Forcible compulsion includes the use of a substance administered without a victim's knowledge
5 or consent which renders the victim physically or mentally impaired so as to be incapable of
6 making an informed consent to sexual intercourse.

7 2. [Forcible] **The offense of rape in the first degree** or an attempt to commit [forcible]
8 **rape in the first degree** is a felony for which the authorized term of imprisonment is life
9 imprisonment or a term of years not less than five years, unless:

10 (1) [In the course thereof the actor inflicts serious physical injury or displays a deadly
11 weapon or dangerous instrument in a threatening manner or subjects the victim to sexual
12 intercourse or deviate sexual intercourse with more than one person] **The offense is an**
13 **aggravated sexual offense**, in which case the authorized term of imprisonment is life
14 imprisonment or a term of years not less than fifteen years;

15 (2) **The person is a persistent or predatory sexual offender as defined in section**
16 **566.125 and subjected to an extended term of imprisonment under said section;**

17 (3) The victim is a child less than twelve years [of age] **old**, in which case the required
18 term of imprisonment is life imprisonment without eligibility for probation or parole until the
19 [defendant] **offender** has served not less than thirty years of such sentence or unless the
20 [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen
21 years of such sentence, unless such [forcible] **rape in the first degree** is described under
22 subdivision [(3)] (4) of this subsection; or

23 [(3)] (4) The victim is a child less than twelve years [of age] **old** and such [forcible] **rape**
24 **in the first degree or attempt to commit rape in the first degree** was outrageously or wantonly
25 vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the
26 required term of imprisonment is life imprisonment without eligibility for probation, parole or
27 conditional release.

28 3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has
29 [pleaded guilty to or has] been found guilty of [forcible] **rape in the first degree or attempt to**

30 **commit rape in the first degree** when the victim is [under the age of] **less than twelve years**
31 **of age**, and "life imprisonment" shall mean imprisonment for the duration of a person's natural
32 life for the purposes of this section.

33 4. No person found guilty of [or pleading guilty to forcible] **rape in the first degree** or
34 an attempt to commit [forcible] **rape in the first degree** shall be granted a suspended imposition
35 of sentence or suspended execution of sentence.

[566.040.] **566.031.** 1. A person commits the [crime] **offense** of [sexual assault] **rape**
2 **in the second degree** if he **or she** has sexual intercourse with another person knowing that he
3 **or she** does so without that person's consent.

4 2. [Sexual assault] **The offense of rape in the second degree** is a class [C] **D** felony.

566.032. 1. A person commits the [crime] **offense** of statutory rape in the first degree
2 if he **or she** has sexual intercourse with another person who is less than fourteen years [old] **of**
3 **age**.

4 2. **The offense of** statutory rape in the first degree or an attempt to commit statutory rape
5 in the first degree is a felony for which the authorized term of imprisonment is life imprisonment
6 or a term of years not less than five years, unless [in the course thereof the actor inflicts serious
7 physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening
8 manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than
9 one person] :

10 **(1) The offense is an aggravated sexual offense**, or the victim is less than twelve years
11 [of age] **old** in which case the authorized term of imprisonment is life imprisonment or a term
12 of years not less than ten years;

13 **(2) The person is a persistent or predatory sexual offender as defined in section**
14 **566.125 and subjected to an extended term of imprisonment under said section.**

566.034. 1. A person commits the [crime] **offense** of statutory rape in the second degree
2 if being twenty-one years [of age] **old** or older, he **or she** has sexual intercourse with another
3 person who is less than seventeen years [of age] **old**.

4 2. **The offense of** statutory rape in the second degree is a class [C] **D** felony.

566.060. 1. A person commits the [crime] **offense** of [forcible] sodomy **in the first**
2 **degree** if [such person] **he or she** has deviate sexual intercourse with another person **who is**
3 **incapacitated, incapable of consent, or lacks the capacity to consent, or** by the use of forcible
4 compulsion. Forcible compulsion includes the use of a substance administered without a
5 victim's knowledge or consent which renders the victim physically or mentally impaired so as
6 to be incapable of making an informed consent to sexual intercourse.

7 2. [Forcible] **The offense of sodomy in the first degree** or an attempt to commit
8 [forcible] sodomy **in the first degree** is a felony for which the authorized term of imprisonment
9 is life imprisonment or a term of years not less than five years, unless:

10 (1) [In the course thereof the actor inflicts serious physical injury or displays a deadly
11 weapon or dangerous instrument in a threatening manner or subjects the victim to sexual
12 intercourse or deviate sexual intercourse with more than one person] **The offense is an**
13 **aggravated sexual offense**, in which case the authorized term of imprisonment is life
14 imprisonment or a term of years not less than ten years; or

15 (2) **The person is a persistent or predatory sexual offender as defined in section**
16 **566.125 and subjected to an extended term of imprisonment under said section; or**

17 (3) The victim is a child less than twelve years [of age] **old**, in which case the required
18 term of imprisonment is life imprisonment without eligibility for probation or parole until the
19 [defendant] **offender** has served not less than thirty years of such sentence or unless the
20 [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen
21 years of such sentence, unless such [forcible] sodomy **in the first degree** is described under
22 subdivision [(3)] (4) of this subsection; or

23 [(3)] (4) The victim is a child less than twelve years [of age] **old** and such [forcible]
24 sodomy **in the first degree or attempt to commit sodomy in the first degree** was outrageously
25 or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which
26 case the required term of imprisonment is life imprisonment without eligibility for probation,
27 parole or conditional release.

28 3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has
29 [pleaded guilty to or has] been found guilty of [forcible] sodomy **in the first degree or an**
30 **attempt to commit sodomy in the first degree** when the victim is [under the age of] **less than**
31 **twelve years of age**, and "life imprisonment" shall mean imprisonment for the duration of a
32 person's natural life for the purposes of this section.

33 4. No person found guilty of [or pleading guilty to forcible] sodomy **in the first degree**
34 or an attempt to commit forcible sodomy shall be granted a suspended imposition of sentence
35 or suspended execution of sentence.

 [566.070.] **566.061.** 1. A person commits the [crime of deviate sexual assault] **offense**
2 **of sodomy in the second degree** if he **or she** has deviate sexual intercourse with another person
3 knowing that he **or she** does so without that person's consent.

4 2. [Deviate sexual assault] **The offense of sodomy in the second degree** is a class [C]
5 **D** felony.

566.062. 1. A person commits the [crime] **offense** of statutory sodomy in the first degree if he **or she** has deviate sexual intercourse with another person who is less than fourteen years [old] of age.

2. **The offense of** statutory sodomy in the first degree or an attempt to commit statutory sodomy in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless [in the course thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person,] :

(1) **The offense is an aggravated sexual offense** or the victim is less than twelve years of age, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; **or**

(2) **The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section.**

566.064. 1. A person commits the [crime] **offense** of statutory sodomy in the second degree if being twenty-one years [of age] **old** or older, he **or she** has deviate sexual intercourse with another person who is less than seventeen years [of age] **old**.

2. **The offense of** statutory sodomy in the second degree is a class [C] **D** felony.

566.067. 1. A person commits the [crime] **offense** of child molestation in the first degree if he or she subjects another person who is less than [fourteen] **twelve** years of age to sexual contact **and the offense is an aggravated sexual offense**.

2. **The offense of** child molestation in the first degree is a class [B] **A** felony [unless:

(1) The actor has previously been convicted of an offense under this chapter or in the course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony, in which case the crime is a class A felony; or

(2) The victim is a child less than twelve years of age and:

(a) The actor has previously been convicted of an offense under this chapter; or

(b) In the course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly instrument in a threatening manner, or if the offense is committed as part of a ritual or ceremony, in which case, the crime is a class A felony and such person shall serve his or her term of imprisonment without eligibility for probation or parole].

566.068. 1. A person commits the [crime] **offense** of child molestation in the second degree if he or she:

(1) Subjects [another person] **a child** who is less than [seventeen] **twelve** years of age to sexual contact; **or**

5 **(2) Being twenty-one years of age or older, subjects a child who is less than**
6 **seventeen years of age to sexual contact and the offense is an aggravated sexual offense.**

7 2. **The offense of** child molestation in the second degree is a class [A misdemeanor
8 unless the actor has previously been convicted of an offense under this chapter or in the course
9 thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or
10 dangerous instrument in a threatening manner, or the offense is committed as part of a ritual or
11 ceremony, in which case the crime is a class D] **B** felony.

566.069. 1. A person commits the offense of child molestation in the third degree
2 **if he or she subjects a child who is less than fourteen years of age to sexual contact.**

3 2. **The offense of child molestation in the third degree is a class C felony, unless**
4 **committed by the use of forcible compulsion, in which case it is a class B felony.**

566.071. 1. A person commits the offense of child molestation in the fourth degree
2 **if such person subjects another person, who is less than seventeen years of age and who is**
3 **more than four years younger than the perpetrator at the time of the offense, to sexual**
4 **contact.**

5 2. **The offense of child molestation in the fourth degree is a class D felony.**

 566.083. 1. A person commits the [crime] **offense** of sexual misconduct involving a
2 child if such person:

3 (1) Knowingly exposes his or her genitals to a child less than fifteen years of age under
4 circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm
5 to the child;

6 (2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the
7 purpose of arousing or gratifying the sexual desire of any person, including the child;

8 (3) Knowingly coerces or induces a child less than fifteen years of age to expose the
9 child's genitals for the purpose of arousing or gratifying the sexual desire of any person,
10 including the child; or

11 (4) Knowingly coerces or induces a child who is known by such person to be less than
12 fifteen years of age to expose the breasts of a female child through the internet or other electronic
13 means for the purpose of arousing or gratifying the sexual desire of any person, including the
14 child.

15 2. The provisions of this section shall apply regardless of whether the person violates this
16 section in person or via the internet or other electronic means.

17 3. It is not [an affirmative] **a** defense to prosecution for a violation of this section that
18 the other person was a peace officer masquerading as a minor.

19 4. **The offense of** sexual misconduct involving a child [or attempted sexual misconduct
20 involving a child] is a class [D] **E** felony unless the [actor] **person** has previously [pleaded guilty

21 to or] been found guilty of an offense [pursuant to] **under** this chapter or the [actor] **person** has
22 previously [pleaded guilty to or has been convicted] **been found guilty** of an offense [against
23 the laws of another state or] **in another** jurisdiction which would constitute an offense under this
24 chapter, in which case it is a class [C] **D** felony.

566.086. 1. A person commits the [crime] **offense** of sexual contact with a student if he
2 or she has sexual contact with a student of the [public] school and is:
3 (1) A teacher, as that term is defined in subdivisions (4), (5), and (7) of section 168.104;
4 (2) A student teacher; **or**
5 (3) An employee of the school; **or**
6 (4) A volunteer of the school or of an organization working with the school on a project
7 or program who is not a student at the [public] school; **or**
8 (5) An elected or appointed official of the [public] school district; or
9 (6) A person employed by an entity that contracts with the [public] school **or school**
10 district to provide services.

11 2. **For the purposes of this section, "school" shall mean any public or private school**
12 **in this state serving kindergarten through grade twelve or any school bus used by the**
13 **school district.**

14 3. **The offense of** sexual contact with a student is a class [D] **E** felony.

15 4. **It is not a defense to prosecution for a violation of this section that the student**
16 **consented to the sexual contact.**

566.090. 1. A person commits the [crime] **offense** of sexual [misconduct] **abuse** in the
2 [first] **second** degree if [such person] **he or she** purposely subjects another person to sexual
3 contact without that person's consent.

4 2. **The offense of** sexual [misconduct] **abuse** in the [first] **second** degree is a class A
5 misdemeanor, unless [the actor has previously been convicted of an offense under this chapter
6 or unless in the course thereof the actor displays a deadly weapon in a threatening manner or the
7 offense is committed as a part of a ritual or ceremony] **it is an aggravated sexual offense**, in
8 which case it is a class [D] **E** felony.

566.093. 1. A person commits the [crime] **offense** of sexual misconduct in the [second]
2 **first** degree if such person:

3 (1) Exposes his or her genitals under circumstances in which he or she knows that his
4 or her conduct is likely to cause affront or alarm;

5 (2) Has sexual contact in the presence of a third person or persons under circumstances
6 in which he or she knows that such conduct is likely to cause affront or alarm; or

7 (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence
8 of a third person.

9 2. **The offense of** sexual misconduct in the [second] **first** degree is a class B
10 misdemeanor unless the [actor] **person** has previously been [convicted] **found guilty** of an
11 offense under this chapter, **or has previously been found guilty of an offense in another**
12 **jurisdiction which would constitute an offense under this chapter**, in which case it is a class
13 A misdemeanor.

566.095. 1. A person commits the [crime] **offense** of sexual misconduct in the [third]
2 **second** degree if he **or she** solicits or requests another person to engage in sexual conduct under
3 circumstances in which he **or she** knows that [his requests] **such request** or solicitation is likely
4 to cause affront or alarm.

5 2. **The offense of** sexual misconduct in the [third] **second** degree is a class C
6 misdemeanor.

566.100. 1. A person commits the [crime] **offense** of sexual abuse **in the first degree**
2 if he **or she** subjects another person to sexual contact **when that person is incapacitated,**
3 **incapable of consent, or lacks the capacity to consent, or** by the use of forcible compulsion.

4 2. **The offense of** sexual abuse **in the first degree** is a class C felony unless [in the
5 course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous
6 instrument in a threatening manner or subjects the victim to sexual contact with more than one
7 person or] the victim is less than fourteen years of age, **or it is an aggravated sexual offense,**
8 in which case [the crime] **it** is a class B felony.

566.111. 1. A person commits the [crime] **offense** of [unlawful] sex with an animal if
2 [that person] **he or she** engages in sexual conduct with an animal [or engages in sexual conduct
3 with an animal for commercial or recreational purposes].

4 2. [Unlawful] **The offense of** sex with an animal is a class A misdemeanor unless the
5 [defendant] **person** has previously been [convicted] **found guilty of an offense** under this
6 section **or has previously been found guilty of an offense in another jurisdiction which**
7 **would constitute an offense under this section**, in which case the [crime] **offense** is a class [D]
8 **E** felony.

9 3. In addition to any penalty imposed or as a condition of probation the court may:

10 (1) Prohibit the [defendant] **offender** from harboring animals or residing in any
11 household where animals are present during the period of probation [or if probation is not
12 granted for a period of time not to exceed two years after the defendant's sentence is completed];
13 **or**

14 (2) Order all animals in the [defendant's] **offender's** possession subject to a civil
15 forfeiture action under chapter 513; or

16 (3) Order psychological evaluation and counseling of the [defendant] **offender** at the
17 [defendant's] **offender's** expense.

18 4. Nothing in this section shall be construed to prohibit generally accepted animal
19 husbandry, farming and ranching practices or generally accepted veterinary medical practices.

20 5. For purposes of this section, the following terms mean:

21 (1) "Animal", every creature, either alive or dead, other than a human being;

22 (2) "Sexual conduct with an animal", any touching of an animal with the genitals or any
23 touching of the genitals or anus of an animal for the purpose of arousing or gratifying the
24 person's sexual desire.

**566.115. 1. A person commits the offense of sexual conduct with a nursing facility
2 resident in the first degree if he or she, being an owner or employee of a skilled nursing
3 facility, as defined in section 198.006, or an Alzheimer's special care unit or program, as
4 defined in section 198.505, has sexual intercourse or deviate sexual intercourse with a
5 resident.**

6 **2. The offense of sexual conduct with a nursing facility resident in the first degree
7 is a class A misdemeanor. Any second or subsequent violation of this section is a class E
8 felony.**

9 **3. The provisions of this section shall not apply to an owner or employee of a skilled
10 nursing facility or Alzheimer's special care unit or program who engages in sexual conduct
11 with a resident to whom the owner or employee is married.**

12 **4. Consent of the victim is not a defense to a prosecution under this section.**

[565.200.] **566.116. 1. [Any owner or employee of a skilled nursing facility, as defined
2 in section 198.006, or an Alzheimer's special unit or program, as defined in section 198.505,
3 who:**

4 (1)] A person commits the offense of sexual conduct with a nursing facility resident in
5 the second degree if he or she, being an owner or employee of a skilled nursing facility as defined
6 in section 198.006, or an Alzheimer's special care unit program as defined in section 198.505 if
7 he or she has sexual contact, as defined in section 566.010, with a resident [is guilty of a class
8 B misdemeanor. Any person who commits a second or subsequent violation of this subdivision
9 is guilty of a class A misdemeanor; or

10 (2) Has sexual intercourse or deviate sexual intercourse, as defined in section 566.010,
11 with a resident is guilty of a class A misdemeanor. Any person who commits a second or
12 subsequent violation of this subdivision is guilty of a class D felony].

13 **2. The offense of sexual conduct with a nursing facility resident in the second degree is
14 a class B misdemeanor. Any second or subsequent violation of this section is a class A
15 misdemeanor.**

16 3. The provisions of this section shall not apply to an owner or employee of a skilled
17 nursing facility or Alzheimer's special unit or program who engages in sexual conduct, as defined
18 in section 566.010, with a resident to whom the owner or employee is married.

19 [3.] 4. Consent of the victim is not a defense to a prosecution pursuant to this section.

 [558.018.] **566.125.** 1. The court shall sentence a person [who has pleaded guilty to or]
2 **to an extended term of imprisonment if it finds the defendant is a persistent sexual offender**
3 **and** has been found guilty of [the felony of forcible rape, statutory rape in the first degree,
4 forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes
5 designated in this subsection to an extended term of imprisonment if it finds the defendant is a
6 persistent sexual offender] **attempting to commit or committing the following offenses:**

7 (1) **Statutory rape in the first degree or statutory sodomy in the first degree;**

8 (2) **Rape in the first degree or sodomy in the first degree attempted or committed**
9 **on or after August 28, 2013;**

10 (3) **Forcible rape committed or attempted any time during the period of August 13,**
11 **1980, to August 27, 2013;**

12 (4) **Forcible sodomy committed or attempted any time during the period of January**
13 **1, 1995, to August 27, 2013;**

14 (5) **Rape committed or attempted before August 13, 1980;**

15 (6) **Sodomy committed or attempted before January 1, 1995.**

16 2. A "persistent sexual offender" is one who has previously [pleaded guilty to or has been
17 found guilty of the felony of forcible rape, rape, statutory rape in the first degree, forcible
18 sodomy, sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes
19 designated in this subsection] **been found guilty of attempting to commit or committing any**
20 **of the offenses listed in subsection 1 of this section, or one who has been previously been**
21 **found guilty of an offense in any other jurisdiction which would constitute any of the**
22 **offenses listed in subsection 1 of this section.**

23 3. The term of imprisonment for one found to be a persistent sexual offender shall be
24 imprisonment for life without eligibility for probation or parole. Subsection 4 of section 558.019
25 shall not apply to any person imprisoned under this subsection, and "imprisonment for life" shall
26 mean imprisonment for the duration of the person's natural life.

27 4. The court shall sentence a person [who has pleaded guilty to or has] **to an extended**
28 **term of imprisonment as provided for in this section if it finds the defendant is a predatory**
29 **sexual offender and** has been found guilty of [the felony of forcible rape, statutory rape in the
30 first degree, forcible sodomy, statutory sodomy in the first degree, or an attempt to commit any
31 of the preceding crimes or] **committing or attempting to commit any of the offenses listed in**
32 **subsection 1 of this section or committing** child molestation in the first or second degree when

33 [classified as a class B felony or sexual abuse when] **the offense of child molestation is**
34 **classified as a class A or B felony** [to an extended term of imprisonment as provided for in this
35 section if it finds the defendant is a predatory sexual offender] **or sexual abuse when the**
36 **offense is classified as a class B felony.**

37 5. For purposes of this section, a "predatory sexual offender" is a person who:

38 (1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible
39 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the
40 first degree, or an attempt to commit any of the preceding crimes or] **committing or attempting**
41 **to commit any of the offenses listed in subsection 1 of this section, or committing** child
42 **molestation in the first or second degree when the offense of child molestation is** classified as
43 a class **A or B** felony or sexual abuse when classified as a class B felony; or

44 (2) Has previously committed an act which would constitute an offense listed in
45 subsection 4 of this section, whether or not the act resulted in a conviction; or

46 (3) Has committed an act or acts against more than one victim which would constitute
47 an offense or offenses listed in subsection 4 of this section, whether or not the defendant was
48 charged with an additional offense or offenses as a result of such act or acts.

49 6. A person found to be a predatory sexual offender shall be imprisoned for life with
50 eligibility for parole, however subsection 4 of section 558.019 shall not apply to persons found
51 to be predatory sexual offenders for the purposes of determining the minimum prison term or the
52 length of sentence as defined or used in such subsection. Notwithstanding any other provision
53 of law, in no event shall a person found to be a predatory sexual offender receive a final
54 discharge from parole.

55 7. Notwithstanding any other provision of law, the court shall set the minimum time
56 required to be served before a predatory sexual offender is eligible for parole, conditional release
57 or other early release by the department of corrections. The minimum time to be served by a
58 person found to be a predatory sexual offender who:

59 (1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible
60 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the
61 first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found
62 guilty of the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory
63 sodomy in the first degree or an attempt to commit any of the preceding crimes] **committing or**
64 **attempting to commit any of the offenses listed in subsection 1 of this section and is found**
65 **guilty of committing or attempting to commit any of the offenses listed in subsection 1 of**
66 **this section** shall be any number of years but not less than thirty years;

67 (2) Has previously [pleaded guilty to or has] been found guilty of child molestation in
68 the first **or second** degree when **the offense of child molestation is** classified as a class **A or B**

69 felony or sexual abuse when classified as a class B felony and [pleads guilty to or] is found guilty
70 of attempting to commit or committing [forcible rape, statutory rape in the first degree, forcible
71 sodomy or statutory sodomy in the first degree] **any of the offenses listed in subsection 1 of**
72 **this section** shall be any number of years but not less than fifteen years;

73 (3) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible
74 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the
75 first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found
76 guilty of] **committing or attempting to commit any of the offenses listed in subsection 1 of**
77 **this section, or committing** child molestation in the first **or second** degree when classified as
78 a class **A or B** felony or sexual abuse when classified as a class B felony shall be any number of
79 years but not less than fifteen years;

80 (4) Has previously [pleaded guilty to or has] been found guilty of child molestation in
81 the first **or second** degree when **the offense is** classified as a class **A or B** felony or sexual abuse
82 when classified as a class B felony, and [pleads guilty to or] is found guilty of child molestation
83 in the first **or second** degree when classified as a class **A or B** felony or sexual abuse when
84 classified as a class B felony shall be any number of years but not less than fifteen years;

85 (5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of
86 subsection 5 of this section shall be any number of years within the range to which the person
87 could have been sentenced pursuant to the applicable law if the person was not found to be a
88 predatory sexual offender.

89 8. Notwithstanding any provision of law to the contrary, the department of corrections,
90 or any division thereof, may not furlough an individual found to be and sentenced as a persistent
91 sexual offender or a predatory sexual offender.

566.145. 1. A person commits the [crime] **offense** of sexual [contact] **conduct** with a
2 prisoner or offender if **he or she**:

3 (1) [Such person] Is an employee of, or assigned to work in, any jail, prison or
4 correctional facility and [such person has] **engages in** sexual [intercourse or deviate sexual
5 intercourse] **conduct** with a prisoner or an offender who is confined in a jail, prison, or
6 correctional facility; or

7 (2) [Such person] Is a probation and parole officer and [has sexual intercourse or deviate
8 sexual intercourse] **engages in sexual conduct** with an offender who is under the direct
9 supervision of the officer.

10 2. For the purposes of this section the following terms shall mean:

11 (1) "Offender", includes any person in the custody of a prison or correctional facility and
12 any person who is under the supervision of the state board of probation and parole;

13 (2) "Prisoner", includes any person who is in the custody of a jail, whether pretrial or
14 after disposition of a charge.

15 3. **The offense of sexual [contact] conduct** with a prisoner or offender is a class [D] E
16 felony.

17 4. Consent of a prisoner or offender is not [an affirmative] a defense.

566.147. 1. Any person who, since July 1, 1979, has been or hereafter has [pleaded
2 guilty or nolo contendere to, or been convicted of, or] been found guilty of:

3 (1) Violating any of the provisions of this chapter or the provisions of [subsection 2 of]
4 section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree;
5 [subsection 2 of section 568.080] **section 573.200**, use of a child in a sexual performance;
6 section [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual
7 exploitation of a minor; section 573.025, promoting child pornography in the first degree; section
8 573.035, promoting child pornography in the second degree; section 573.037, possession of child
9 pornography, or section 573.040, furnishing pornographic material to minors; or

10 (2) Any offense in any other [state or foreign country, or under federal, tribal, or military]
11 jurisdiction which, if committed in this state, would be a violation listed in this section; shall not
12 reside within one thousand feet of any public school as defined in section 160.011, any private
13 school giving instruction in a grade or grades not higher than the twelfth grade, **or** any child care
14 facility that is licensed under chapter 210, or any child care facility as defined in section 210.201
15 that is exempt from state licensure but subject to state regulation under section 210.252 and holds
16 itself out to be a child care facility, where the school or facility is in existence at the time the
17 individual begins to reside at the location.

18 2. If such person has already established a residence and a public school, a private
19 school, or child care facility is subsequently built or placed within one thousand feet of such
20 person's residence, then such person shall, within one week of the opening of such public school,
21 private school, or child care facility, notify the county sheriff where such public school, private
22 school, or child care facility is located that he or she is now residing within one thousand feet of
23 such public school, private school, or child care facility and shall provide verifiable proof to the
24 sheriff that he or she resided there prior to the opening of such public school, private school, or
25 child care facility.

26 3. For purposes of this section, "resides" means sleeps in a residence, which may include
27 more than one location and may be mobile or transitory.

28 4. Violation of the provisions of subsection 1 of this section is a class [D] E felony
29 except that the second or any subsequent violation is a class B felony. Violation of the
30 provisions of subsection 2 of this section is a class A misdemeanor except that the second or
31 subsequent violation is a class [D] E felony.

566.148. 1. Any person who has [pleaded guilty or nolo contendere to, or] been convicted of, or been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions of [subsection 2 of] section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; [subsection 2 of section 568.080] **section 573.200**, use of a child in a sexual performance; section [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other [state or foreign country, or under federal, tribal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section; shall not knowingly be physically present in or loiter within five hundred feet of or to approach, contact, or communicate with any child under eighteen years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.

2. For purposes of this section, "child care facility" shall [have the same meaning as such term is defined in section 210.201] **include any child care facility licensed under chapter 210, or any child care facility that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility.**

3. [Any person who violates] **Violation of** the provisions of this section is [guilty of] a class A misdemeanor.

566.149. 1. Any person who has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions [of subsection 2] of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; [subsection 2 of section 568.080] **section 573.200**, use of a child in a sexual performance; section [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other [state or foreign country, or under tribal, federal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section; shall not be present in or loiter within five hundred feet of any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender

15 is a parent, legal guardian, or custodian of a student present in the building and has met the
16 conditions set forth in subsection 2 of this section.

17 2. No parent, legal guardian, or custodian who has [pleaded guilty or nolo contendere
18 to, or been convicted of, or] been found guilty of violating any of the offenses listed in subsection
19 1 of this section shall be present in any school building, on real property comprising any school,
20 or in any conveyance owned, leased, or contracted by a school to transport students to or from
21 school or a school-related activity when persons under the age of eighteen are present in the
22 building, on the grounds or in the conveyance unless the parent, legal guardian, or custodian has
23 permission to be present from the superintendent or school board or in the case of a private
24 school from the principal. In the case of a public school, if permission is granted, the
25 superintendent or school board president must inform the principal of the school where the sex
26 offender will be present. Permission may be granted by the superintendent, school board, or in
27 the case of a private school from the principal for more than one event at a time, such as a series
28 of events, however, the parent, legal guardian, or custodian must obtain permission for any other
29 event he or she wishes to attend for which he or she has not yet had permission granted.

30 3. Regardless of the person's knowledge of his or her proximity to school property or a
31 school-related activity, violation of the provisions of this section [shall be] **is** a class A
32 misdemeanor.

566.150. 1. Any person who has [pleaded guilty to, or been convicted of, or] been found
2 guilty of:

3 (1) Violating any of the provisions of this chapter or the provisions of [subsection 2 of]
4 section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree;
5 [subsection 2 of section 568.080] **section 573.200**, use of a child in a sexual performance;
6 section [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual
7 exploitation of a minor; section 573.025, promoting child pornography; or section 573.040,
8 furnishing pornographic material to minors; or

9 (2) Any offense in any other [state or foreign country, or under federal, tribal, or military]
10 jurisdiction which, if committed in this state, would be a violation listed in this section; shall not
11 knowingly be present in or loiter within five hundred feet of any real property comprising any
12 public park with playground equipment or a public swimming pool.

13 2. The first violation of the provisions of this section [shall be] **is** a class [D] **E** felony.

14 3. A second or subsequent violation of this section [shall be] **is** a class [C] **D** felony.

566.151. 1. A person [at least] twenty-one years [of age] **old** or older commits the
2 [crime] **offense** of enticement of a child if [that person] **he or she** persuades, solicits, coaxes,
3 entices, or lures whether by words, actions or through communication via the internet or any

4 electronic communication, any person who is less than fifteen years of age for the purpose of
5 engaging in sexual conduct.

6 2. It is not [an affirmative] **a** defense to a prosecution for a violation of this section that
7 the other person was a peace officer masquerading as a minor.

8 3. Enticement of a child or an attempt to commit enticement of a child is a felony for
9 which the authorized term of imprisonment shall be not less than five years and not more than
10 thirty years. No person convicted under this section shall be eligible for parole, probation,
11 conditional release, or suspended imposition or execution of sentence for a period of five
12 calendar years.

566.153. 1. A person commits the [crime] **offense** of age misrepresentation with intent
2 to solicit a minor when he or she knowingly misrepresents his or her age with the intent to use
3 the internet **or any electronic communication** to engage in criminal sexual conduct involving
4 a minor.

5 2. **The offense of** age misrepresentation with intent to solicit a minor is a class [D] **E**
6 felony.

566.155. 1. Any person who has [pleaded guilty to, or been convicted of, or] been found
2 guilty of:

3 (1) Violating any of the provisions of this chapter or the provisions [of subsection 2] of
4 section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree;
5 [subsection 2 of section 568.080] **section 573.200**, use of a child in a sexual performance;
6 section [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual
7 exploitation of a minor; section 573.025, promoting child pornography; or section 573.040,
8 furnishing pornographic material to minors; or

9 (2) Any offense in any other [state or foreign country, or under federal, tribal, or military]
10 jurisdiction which, if committed in this state, would be a violation listed in this section; shall not
11 serve as an athletic coach, manager, or athletic trainer for any sports team in which a child less
12 than seventeen years [of age] **old** is a member.

13 2. The first violation of the provisions of this section [shall be] **is** a class [D] **E** felony.

14 3. A second or subsequent violation of this section [shall be] **is** a class [C] **D** felony.

566.203. 1. A person commits the [crime] **offense** of abusing an individual through
2 forced labor by knowingly providing or obtaining the labor or services of a person:

3 (1) By causing or threatening to cause serious physical injury to any person;

4 (2) By physically restraining or threatening to physically restrain another person;

5 (3) By blackmail;

6 (4) By means of any scheme, plan, or pattern of behavior intended to cause such person
7 to believe that, if the person does not perform the labor services, the person or another person
8 will suffer serious physical injury, physical restraint, or financial harm; or

9 (5) By means of the abuse or threatened abuse of the law or the legal process.

10 2. A person who [pleads guilty to or] is found guilty of the crime of abuse through forced
11 labor shall not be required to register as a sexual offender pursuant to the provisions of section
12 589.400, unless such person is otherwise required to register pursuant to the provisions of such
13 section.

14 3. The [crime] **offense** of abuse through forced labor is a felony punishable by
15 imprisonment for a term of years not less than five years and not more than twenty years and a
16 fine not to exceed two hundred fifty thousand dollars. If death results from a violation of this
17 section, or if the violation includes kidnapping or an attempt to kidnap, sexual abuse when
18 punishable as a class B felony, or an attempt to commit sexual abuse when punishable as a class
19 B felony, or an attempt to kill, it shall be punishable for a term of years not less than five years
20 or life and a fine not to exceed two hundred fifty thousand dollars.

566.206. 1. A person commits the [crime] **offense** of trafficking for the purposes of
2 slavery, involuntary servitude, peonage, or forced labor if [a person] **he or she** knowingly
3 recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited
4 to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or
5 threatening to cause financial harm, another person for labor or services, for the purposes of
6 slavery, involuntary servitude, peonage, or forced labor, or benefits, financially or by receiving
7 anything of value, from participation in such activities.

8 2. A person who [pleads guilty to or] is found guilty of the [crime] **offense** of trafficking
9 for the purposes of slavery, involuntary servitude, peonage, or forced labor shall not be required
10 to register as a sexual offender pursuant to the provisions of section 589.400, unless [such
11 person] **he or she** is otherwise required to register pursuant to the provisions of such section.

12 3. Except as provided in subsection 4 of this section, **the offense of** trafficking for the
13 purposes of slavery, involuntary servitude, peonage, or forced labor is a felony punishable by
14 imprisonment for a term of years not less than five years and not more than twenty years and a
15 fine not to exceed two hundred fifty thousand dollars.

16 4. If death results from a violation of this section, or if the violation includes kidnapping
17 or an attempt to kidnap, sexual abuse when punishable as a class B felony or an attempt to
18 commit sexual abuse when the sexual abuse attempted is punishable as a class B felony, or an
19 attempt to kill, it shall be punishable by imprisonment for a term of years not less than five years
20 or life and a fine not to exceed two hundred fifty thousand dollars.

566.209. 1. A person commits the [crime] **offense** of trafficking for the purposes of sexual exploitation if [a person] **he or she** knowingly recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, another person for the use or employment of such person in sexual conduct, a sexual performance, or the production of explicit sexual material as defined in section [573.010] **556.061**, without his or her consent, or benefits, financially or by receiving anything of value, from participation in such activities.

2. The [crime] **offense** of trafficking for the purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not less than five years and not more than twenty years and a fine not to exceed two hundred fifty thousand dollars. If a violation of this section was effected by force, abduction, or coercion, the crime of trafficking for the purposes of sexual exploitation is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars.

[566.213.] **566.210.** 1. A person commits the [crime] **offense** of sexual trafficking of a child [under the age of twelve if the individual] **in the first degree if he or she** knowingly:

(1) Recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of twelve to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Causes a person under the age of twelve to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.

2. It shall not be a defense that the defendant believed that the person was twelve years of age or older.

3. **The offense of** sexual trafficking of a child [less than twelve years of age shall be] **in the first degree is** a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the [defendant] **offender** has served not less than twenty-five years of such sentence. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has [pleaded guilty to or] been found guilty of sexual trafficking of a child less than twelve years of age, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

[566.212.] **566.211.** 1. A person commits the [crime] **offense** of sexual trafficking of a child **in the second degree** if [the individual] **he or she** knowingly:

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any means, including
4 but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or
5 causing or threatening to cause financial harm, a person under the age of eighteen to participate
6 in a commercial sex act, a sexual performance, or the production of explicit sexual material as
7 defined in section 573.010, or benefits, financially or by receiving anything of value, from
8 participation in such activities; or

9 (2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual
10 performance, or the production of explicit sexual material as defined in section 573.010.

11 2. It shall not be a defense that the defendant believed that the person was eighteen years
12 of age or older.

13 3. **The offense** sexual trafficking of a child **in the second degree** is a felony punishable
14 by imprisonment for a term of years not less than ten years or life and a fine not to exceed two
15 hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this
16 section was effected by force, abduction, or coercion, the crime of sexual trafficking of a child
17 shall be a felony for which the authorized term of imprisonment is life imprisonment without
18 eligibility for probation or parole until the defendant has served not less than twenty-five years
19 of such sentence.

566.215. 1. A person commits the [crime] **offense** of contributing to human trafficking
2 through the misuse of documentation when [the individual] **he or she** knowingly:

3 (1) Destroys, conceals, removes, confiscates, or possesses a valid or purportedly valid
4 passport, government identification document, or other immigration document of another person
5 while committing [crimes] **offenses** or with the intent to commit [crimes] **offenses**, pursuant to
6 sections [566.200] **566.203** to 566.218; or

7 (2) Prevents, restricts, or attempts to prevent or restrict, without lawful authority, a
8 person's ability to move or travel by restricting the proper use of identification, in order to
9 maintain the labor or services of a person who is the victim of [a crime] **an offense** committed
10 pursuant to sections [566.200] **566.203** to 566.218.

11 2. A person who [pleads guilty to or] is found guilty of the [crime] **offense** of
12 contributing to human trafficking through the misuse of documentation shall not be required to
13 register as a sexual offender pursuant to the provisions of section 589.400, unless [such person]
14 **he or she** is otherwise required to register pursuant to the provisions of such section.

15 3. The [crime] **offense** of contributing to human trafficking through the misuse of
16 documentation is a class [D] **E** felony.

566.218. Notwithstanding sections 557.011, 558.019, and 559.021, a [court sentencing
2 a defendant convicted of] **person found guilty of** violating [the] **any** provisions of section
3 566.203, 566.206, 566.209, [566.212, or 566.213 shall order the defendant] **566.210, 566.211,**

4 **or 566.215 shall be ordered by the sentencing court** to pay restitution to the victim of the
5 offense regardless of whether the defendant is sentenced to a term of imprisonment or probation.
6 The minimum restitution ordered by the court shall be in the amount determined by the court
7 necessary to compensate the victim for the value of the victim's labor and/or for the mental and
8 physical rehabilitation of the victim and any child of the victim.

566.224. No prosecuting or circuit attorney, peace officer, governmental official, or
2 employee of a law enforcement agency shall request or require a victim of [sexual assault] **rape**
3 **in the second degree** under section [566.040 or forcible] **566.031 or rape in the first degree**
4 under section 566.030 to submit to any polygraph test or psychological stress evaluator exam as
5 a condition for proceeding with a criminal investigation of such crime.

566.226. 1. After August 28, 2007, any information contained in any court record,
2 whether written or published on the internet, that could be used to identify or locate any victim
3 of [sexual assault,] domestic assault, stalking, or [forcible] **rape in the first or second degree**
4 shall be closed and redacted from such record prior to disclosure to the public. Identifying
5 information shall include the name, home or temporary address, telephone number, Social
6 Security number or physical characteristics.

7 2. If the court determines that a person or entity who is requesting identifying
8 information of a victim has a legitimate interest in obtaining such information, the court may
9 allow access to the information, but only if the court determines that disclosure to the person or
10 entity would not compromise the welfare or safety of such victim.

11 3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding
12 over a [sexual assault,] domestic assault, stalking, or [forcible] **rape in the first or second**
13 **degree** case shall have the discretion to publicly disclose identifying information regarding the
14 defendant which could be used to identify or locate the victim of the crime. The victim may
15 provide a statement to the court regarding whether he or she desires such information to remain
16 closed. When making the decision to disclose such information, the judge shall consider the
17 welfare and safety of the victim and any statement to the court received from the victim
18 regarding the disclosure.

567.010. As used in this chapter, the following terms mean:

2 (1) ["Promoting prostitution", a person promotes prostitution if, acting other than as a
3 prostitute or a patron of a prostitute, he knowingly

4 (a) Causes or aids a person to commit or engage in prostitution; or

5 (b) Procures or solicits patrons for prostitution; or

6 (c) Provides persons or premises for prostitution purposes; or

7 (d) Operates or assists in the operation of a house of prostitution or a prostitution
8 enterprise; or

9 (e) Accepts or receives or agrees to accept or receive something of value pursuant to an
10 agreement or understanding with any person whereby he participates or is to participate in
11 proceeds of prostitution activity; or

12 (f) Engages in any conduct designed to institute, aid or facilitate an act or enterprise of
13 prostitution;

14 (2) "Prostitution", a person commits prostitution if he engages or offers or agrees to
15 engage in sexual conduct with another person in return for something of value to be received by
16 the person or by a third person;

17 (3) "Patronizing prostitution", a person patronizes prostitution if

18 (a) Pursuant to a prior understanding, he gives something of value to another person as
19 compensation for that person or a third person having engaged in sexual conduct with him or
20 with another; or

21 (b) He gives or agrees to give something of value to another person on an understanding
22 that in return therefor that person or a third person will engage in sexual conduct with him or
23 with another; or

24 (c) He solicits or requests another person to engage in sexual conduct with him or with
25 another, or to secure a third person to engage in sexual conduct with him or with another, in
26 return for something of value;

27 (4) **"Deviate sexual intercourse", any sexual act involving the genitals of one**
28 **person and the mouth, hand, tongue or anus of another person; or any act involving the**
29 **penetration, however slight, of the penis or the female genitalia or the anus by a finger,**
30 **instrument, or object done for the purpose of arousing or gratifying the sexual desire of**
31 **any person or for the purpose of terrorizing the victim;**

32 (2) **"Prostitution-related offense", any violation of state law for prostitution,**
33 **patronizing prostitution or promoting prostitution;**

34 (3) **"Persistent prostitution offender", a person is a persistent prostitution offender**
35 **if they have pled guilty to or been found guilty of two or more prostitution-related offenses;**

36 (4) **"Sexual conduct" [occurs when there is] , sexual intercourse, deviate sexual**
37 **intercourse, or sexual contact;**

38 [(a)] (5) **"Sexual intercourse" [which means] , any penetration, however slight, of the**
39 **female [sex organ] genitalia by the [male sex organ, whether or not an emission results or]**
40 **penis;**

41 [(b)] **"Deviate sexual intercourse" which means any sexual act involving the genitals of**
42 **one person and the mouth, hand, tongue or anus of another person; or**

43 [(c)] (6) **"Sexual contact" [which means] , any touching[, manual or otherwise, of the anus**
44 **or] of another person with the genitals [of one person by another, done] or any touching of**

45 **the genitals or anus of another person or the breast of a female person, or such touching**
46 **through the clothing,** for the purpose of arousing or gratifying sexual desire of [either party]
47 **any person or for the purpose of terrorizing the victim;**

48 [(5)] (7) "Something of value" [means] , any money or property, or any token, object or
49 article exchangeable for money or property[;].

567.020. 1. A person commits the [crime] **offense** of prostitution if [the person performs
2 an act of prostitution] **he or she engages in or offers or agrees to engage in sexual conduct**
3 **with another person in return for something of value to be received by any person.**

4 2. **The offense of** prostitution is a class B misdemeanor unless the person knew prior to
5 performing the act of prostitution that he or she was infected with HIV in which case prostitution
6 is a class B felony. The use of condoms is not a defense to this [crime] **offense.**

7 3. As used in this section, "HIV" means the human immunodeficiency virus that causes
8 acquired immunodeficiency syndrome.

9 4. The judge may order a drug and alcohol abuse treatment program for any person found
10 guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. For the class
11 B misdemeanor offense, upon the successful completion of such program by the defendant, the
12 court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the
13 verdict and enter a judgment of not guilty. For the class B felony offense, the court shall not
14 allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment
15 of not guilty. The judge, however, has discretion to take into consideration successful
16 completion of a drug or alcohol treatment program in determining the defendant's sentence.

567.030. 1. A person commits the [crime] **offense** of patronizing prostitution if he
2 [patronizes prostitution] **or she:**

3 **(1) Pursuant to a prior understanding, gives something of value to another person**
4 **as compensation for having engaged in sexual conduct with any person; or**

5 **(2) Gives or agrees to give something of value to another person on an**
6 **understanding that such person or another person will engage in sexual conduct with any**
7 **person; or**

8 **(3) Solicits or requests another person to engage in sexual conduct with any person**
9 **in return for something of value.**

10 2. It shall not be [an affirmative] **a** defense that the [defendant] **person** believed that the
11 [person] **individual** he or she patronized for prostitution was eighteen years [of age] **old** or older.

12 3. **The offense of** patronizing prostitution is a class B misdemeanor, unless the
13 individual who the person [is patronizing] **patronizes** is [under the age of] **less than** eighteen
14 **years of age** but older than [the age of] **fourteen years of age**, in which case patronizing
15 prostitution is a class A misdemeanor.

16 4. **The offense of** patronizing prostitution is a class [D] **E** felony if the individual who
17 the person patronizes is fourteen years of age or younger. Nothing in this section shall preclude
18 the prosecution of an individual for the offenses of:

- 19 (1) Statutory rape in the first degree pursuant to section 566.032;
20 (2) Statutory rape in the second degree pursuant to section 566.034;
21 (3) Statutory sodomy in the first degree pursuant to section 566.062; or
22 (4) Statutory sodomy in the second degree pursuant to section 566.064.

 567.050. 1. A person commits the [crime] **offense** of promoting prostitution in the first
2 degree if he **or she** knowingly:

3 (1) Promotes prostitution by compelling a person to enter into, engage in, or remain in
4 prostitution; or

5 (2) Promotes prostitution of a person less than sixteen years [old] **of age**.

6 2. The term "compelling" includes

7 (1) The use of forcible compulsion;

8 (2) The use of a drug or intoxicating substance to render a person incapable of
9 controlling his conduct or appreciating its nature;

10 (3) Withholding or threatening to withhold dangerous drugs or a narcotic from a drug
11 dependent person.

12 3. **The offense of** promoting prostitution in the first degree is a class B felony.

 567.060. 1. A person commits the [crime] **offense** of promoting prostitution in the
2 second degree if he **or she** knowingly promotes prostitution by managing, supervising,
3 controlling or owning, either alone or in association with others, a house of prostitution or a
4 prostitution business or enterprise involving prostitution activity by two or more prostitutes.

5 2. **The offense of** promoting prostitution in the second degree is a class [C] **D** felony.

 567.070. 1. A person commits the [crime] **offense** of promoting prostitution in the third
2 degree if he **or she** knowingly [promotes prostitution] :

3 (1) **Causes or aids a person to commit or engage in prostitution; or**

4 (2) **Procures or solicits patrons for prostitution; or**

5 (3) **Provides persons or premises for prostitution purposes; or**

6 (4) **Operates or assists in the operation of a house of prostitution or a prostitution**
7 **business or enterprise; or**

8 (5) **Accepts or receives or agrees to accept or receive something of value pursuant**
9 **to an agreement or understanding with any person whereby he or she participates or is to**
10 **participate in proceeds of prostitution activity; or**

11 (6) **Engages in any conduct designed to institute, aid or facilitate an act or**
12 **enterprise of prostitution.**

13 2. **The offense of** promoting prostitution in the third degree is a class [D] **E** felony.

567.080. 1. Any room, building or other structure regularly used for [sexual contact for
2 pay as defined in section 567.010 or] any [unlawful] prostitution activity prohibited by this
3 chapter is a public nuisance.

4 2. The attorney general, circuit attorney or prosecuting attorney may, in addition to all
5 criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the
6 owner of the room, building or structure knew or had reason to believe that the premises were
7 being used regularly for [sexual contact for pay or unlawful] prostitution activity, the court may
8 order that the premises shall not be occupied or used for such period as the court may determine,
9 not to exceed one year.

10 3. All persons, including owners, lessees, officers, agents, inmates or employees, aiding
11 or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and
12 they may be enjoined from engaging in any [sexual contact for pay or unlawful] prostitution
13 activity anywhere within the jurisdiction of the court.

14 4. Appeals shall be allowed from the judgment of the court as in other civil actions.

567.085. 1. A person commits the [crime] **offense** of promoting travel for prostitution
2 if [the person] **he or she** knowingly sells or offers to sell travel services that include or facilitate
3 travel for the purpose of engaging in prostitution as defined by section [567.010] **567.020**.

4 2. The [crime] **offense** of promoting travel for prostitution is a class [C] **D** felony.

567.087. 1. No travel agency or charter tour operator shall:

2 (1) Promote travel for prostitution [under] **as described in** section 567.085;

3 (2) Sell, advertise, or otherwise offer to sell travel services or facilitate travel:

4 (a) For the purpose of engaging in a commercial sex act as defined in section 566.200;

5 (b) That consists of tourism packages or activities using and offering any sexual contact
6 as defined in section 566.010 as enticement for tourism; or

7 (c) That provides or purports to provide access to or that facilitates the availability of sex
8 escorts or sexual services.

9 2. There shall be a rebuttable presumption that any travel agency or charter tour operator
10 using advertisements that include the term "sex tours" or "sex travel" or include depictions of
11 human genitalia is in violation of this section.

567.110. Any person who [pleads guilty to or is] **has been** found guilty of a violation
2 of section 567.020 or 567.030 and who is alleged and proved to be a persistent prostitution
3 offender is guilty of a class [D] **E** felony.

567.120. Any person arrested for a prostitution-related offense, who has [a prior
2 conviction of or has pled] **been found** guilty [to] **of** a prior prostitution-related offense, may,

3 within the sound discretion of the court, be required to undergo HIV testing as a condition
4 precedent to the issuance of bond for the offense.

568.010. 1. A married person commits the [crime] **offense** of bigamy if he **or she**:

2 (1) Purports to [contract] **marry** another [marriage]; or

3 (2) Cohabits [in this state after] **with one whom he or she entered into** a bigamous
4 marriage in another jurisdiction.

5 2. A married person does not commit bigamy if, at the time of the subsequent marriage
6 ceremony, he **or she** reasonably believes that he **or she** is legally eligible to remarry.

7 3. The defendant shall have the burden of injecting the issue of reasonable belief of
8 eligibility to remarry.

9 4. An unmarried person commits the [crime] **offense** of bigamy if he **or she**:

10 (1) Purports to [contract marriage] **marry another** knowing that the other person is
11 married; or

12 (2) Cohabits [in this state after] **with one whom he or she entered into** a bigamous
13 marriage in another jurisdiction.

14 5. **The offense of bigamy is a class A misdemeanor.**

568.020. 1. A person commits the [crime] **offense** of incest if he **or she** marries or
2 purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person
3 he **or she** knows to be, without regard to legitimacy, **his or her**:

4 (1) [His] Ancestor or descendant by blood or adoption; or

5 (2) [His] Stepchild, while the marriage creating that relationship exists; or

6 (3) [His] Brother or sister of the whole or half-blood; or

7 (4) [His] Uncle, aunt, nephew or niece of the whole blood.

8 2. **The offense of incest is a class [D] E felony.**

9 3. **The court shall not grant probation to a person who has previously been found**
10 **guilty of an offense under this section.**

568.030. 1. A person commits the [crime] **offense** of abandonment of a child in the first
2 degree if, as a parent, guardian or other person legally charged with the care or custody of a child
3 less than four years [old] **of age**, he **or she** leaves the child in any place with purpose wholly to
4 abandon [it] **the child**, under circumstances which are likely to result in serious physical injury
5 or death.

6 2. **The offense of abandonment of a child in the first degree is a class [B] C felony,**
7 **unless the child suffers serious physical injury or death, in which case it is a class B felony.**

568.032. 1. A person commits the [crime] **offense** of abandonment of a child in the
2 second degree if, as a parent, guardian or other person legally charged with the care or custody
3 of a child less than eight years [old] **of age**, he **or she** leaves the child in any place with purpose

4 wholly to abandon [it] **the child**, under circumstances which are likely to result in serious
5 physical injury or death.

6 2. **The offense of** abandonment of a child in the second degree is a class D felony,
7 **unless the child suffers serious physical injury or death, in which case it is a class C felony.**

568.040. 1. A person commits the [crime] **offense** of nonsupport if [such person] **he or**
2 **she** knowingly fails to provide adequate support for his or her spouse; a parent commits the
3 [crime] **offense** of nonsupport if such parent knowingly fails to provide adequate support which
4 such parent is legally obligated to provide for his or her child or stepchild who is not otherwise
5 emancipated by operation of law.

6 2. For purposes of this section:

7 (1) "Child" means any biological or adoptive child, or any child whose paternity has been
8 established under chapter 454, or chapter 210, or any child whose relationship to the defendant
9 has been determined, by a court of law in a proceeding for dissolution or legal separation, to be
10 that of child to parent;

11 (2) "Good cause" means any substantial reason why the defendant is unable to provide
12 adequate support. Good cause does not exist if the defendant purposely maintains his inability
13 to support;

14 (3) "Support" means food, clothing, lodging, and medical or surgical attention;

15 (4) It shall not constitute a failure to provide medical and surgical attention, if
16 nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

17 3. Inability to provide support for good cause shall be an affirmative defense under this
18 section. A [person] **defendant** who raises such affirmative defense has the burden of proving
19 the defense by a preponderance of the evidence.

20 4. The defendant shall have the burden of injecting the issues raised by subdivision (4)
21 of subsection 2 **and subsection 3** of this section.

22 5. **The offense of** criminal nonsupport is a class A misdemeanor, unless the total
23 arrearage is in excess of an aggregate of twelve monthly payments due under any order of
24 support issued by any court of competent jurisdiction or any authorized administrative agency,
25 in which case it is a class [D] **E** felony.

26 6. If at any time [a defendant] **an offender** convicted of criminal nonsupport is placed
27 on probation or parole, there may be ordered as a condition of probation or parole that the
28 [defendant] **offender** commence payment of current support as well as satisfy the arrearages.
29 Arrearages may be satisfied first by making such lump sum payment as the [defendant] **offender**
30 is capable of paying, if any, as may be shown after examination of [defendant's] **the offender's**
31 financial resources or assets, both real, personal, and mixed, and second by making periodic
32 payments. Periodic payments toward satisfaction of arrears when added to current payments due

33 may be in such aggregate sums as is not greater than fifty percent of the [defendant's] **offender's**
34 adjusted gross income after deduction of payroll taxes, medical insurance that also covers a
35 dependent spouse or children, and any other court- or administrative-ordered support, only. If
36 the [defendant] **offender** fails to pay the current support and arrearages as ordered, the court may
37 revoke probation or parole and then impose an appropriate sentence within the range for the class
38 of offense that the [defendant] **offender** was convicted of as provided by law, unless the
39 [defendant] **offender** proves good cause for the failure to pay as required under subsection 3 of
40 this section.

41 7. During any period that a nonviolent [defendant] **offender** is incarcerated for criminal
42 nonsupport, if the [defendant] **offender** is ready, willing, and able to be gainfully employed
43 during said period of incarceration, the [defendant] **offender**, if he or she meets the criteria
44 established by the department of corrections, may be placed on work release to allow the
45 [defendant] **offender** to satisfy [defendant's] **his or her** obligation to pay support. Arrearages
46 shall be satisfied as outlined in the collection agreement.

47 8. Beginning August 28, 2009, every nonviolent first- and second-time offender then
48 incarcerated for criminal nonsupport, who has not been previously placed on probation or parole
49 for conviction of criminal nonsupport, may be considered for parole, under the conditions set
50 forth in subsection 6 of this section, or work release, under the conditions set forth in subsection
51 7 of this section.

52 9. Beginning January 1, 1991, every prosecuting attorney in any county which has
53 entered into a cooperative agreement with the child support enforcement service of the family
54 support division of the department of social services shall report to the division on a quarterly
55 basis the number of charges filed and the number of convictions obtained under this section by
56 the prosecuting attorney's office on all IV-D cases. The division shall consolidate the reported
57 information into a statewide report by county and make the report available to the general public.

58 10. Persons accused of committing the offense of nonsupport of the child shall be
59 prosecuted:

60 (1) In any county in which the child resided during the period of time for which the
61 defendant is charged; or

62 (2) In any county in which the defendant resided during the period of time for which the
63 defendant is charged.

568.045. 1. A person commits the [crime] **offense** of endangering the welfare of a child
2 in the first degree if **he or she**:

3 (1) [The person] Knowingly acts in a manner that creates a substantial risk to the life,
4 body, or health of a child less than seventeen years [old] **of age**; or

5 (2) [The person] Knowingly engages in sexual conduct with a person under the age of
6 seventeen years over whom the person is a parent, guardian, or otherwise charged with the care
7 and custody;

8 (3) [The person] Knowingly encourages, aids or causes a child less than seventeen years
9 of age to engage in any conduct which violates the provisions of chapter [195] **579**;

10 (4) [Such person enlists the aid, either through payment or coercion, of a person less than
11 seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport,
12 test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any
13 material used to manufacture, compound, produce, prepare, test or analyze amphetamine or
14 methamphetamine or any of their analogues; or

15 (5) Such person,] In the presence of a [person] **child** less than seventeen years [of age]
16 **old** or in a residence where a [person] **child** less than seventeen years [of age] **old** resides,
17 unlawfully manufactures, or attempts to manufacture compounds, possesses, produces, prepares,
18 sells, transports, tests or analyzes amphetamine or methamphetamine or any of their analogues.

19 2. **The offense of** endangering the welfare of a child in the first degree is a class [C] **D**
20 felony unless the offense:

21 (1) Is committed as part of [a ritual or ceremony, or except on] **an act or series of acts**
22 **performed by two or more persons as part of an established or prescribed pattern of**
23 **activity, or where physical injury to the child results, or the offense is** a second or subsequent
24 offense **under this section**, in which case the [crime] **offense** is a class [B] **C** felony; or

25 (2) **Results in serious physical injury to the child, in which case the offense is a class**
26 **B felony; or**

27 (3) **Results in death of a child, in which case the offense is a class A felony.**

28 [3. This section shall be known as "Hope's Law".]

568.050. 1. A person commits the [crime] **offense** of endangering the welfare of a child
2 in the second degree if **he or she**:

3 (1) [He or she] With criminal negligence acts in a manner that creates a substantial risk
4 to the life, body or health of a child less than seventeen years [old] **of age**; or

5 (2) [He or she] Knowingly encourages, aids or causes a child less than seventeen years
6 [old] **of age** to engage in any conduct which causes or tends to cause the child to come within
7 the provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection
8 1 of section 211.031; or

9 (3) Being a parent, guardian or other person legally charged with the care or custody of
10 a child less than seventeen years [old, he or she] **of age**, recklessly fails or refuses to exercise
11 reasonable diligence in the care or control of such child to prevent him **or her** from coming

12 within the provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of
13 subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or

14 (4) [He or she] Knowingly encourages, aids or causes a child less than seventeen years
15 of age to enter into any room, building or other structure which is a public nuisance as defined
16 in section [195.130; or

17 (5) He or she operates a vehicle in violation of subdivision (2) or (3) of subsection 1 of
18 section 565.024, subdivision (4) of subsection 1 of section 565.060, section 577.010, or section
19 577.012 while a child less than seventeen years old is present in the vehicle] **579.105.**

20 2. Nothing in this section shall be construed to mean the welfare of a child is endangered
21 for the sole reason that he or she is being provided nonmedical remedial treatment recognized
22 and permitted under the laws of this state.

23 3. **The offense of** endangering the welfare of a child in the second degree is a class A
24 misdemeanor unless the offense is committed as part of [a ritual or ceremony] **an act or series**
25 **of acts performed by two or more persons as part of an established or prescribed pattern**
26 **of activity**, in which case the [crime] **offense** is a class [D] E felony.

568.060. 1. As used in this section, the following terms shall mean:

2 (1) "Abuse", the infliction of physical, sexual, or mental injury against a child by any
3 person eighteen years of age or older. For purposes of this section, abuse shall not include injury
4 inflicted on a child by accidental means by a person with care, custody, or control of the child,
5 or discipline of a child by a person with care, custody, or control of the child, including spanking,
6 in a reasonable manner;

7 (2) "Abusive head trauma", a serious physical injury to the head or brain caused by any
8 means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting, or
9 kicking;

10 (3) "Mental injury", an injury to the intellectual or psychological capacity or the
11 emotional condition of a child as evidenced by an observable and substantial impairment of the
12 ability of the child to function within his or her normal range of performance or behavior;

13 (4) "Neglect", the failure to provide, by those responsible for the care, custody, and
14 control of a child under the age of eighteen years, the care reasonable and necessary to maintain
15 the physical and mental health of the child, when such failure presents a substantial probability
16 that death or physical injury or sexual injury would result;

17 (5) "Physical injury", physical pain, illness, or any impairment of physical condition,
18 including but not limited to bruising, lacerations, hematomas, welts, or permanent or temporary
19 disfigurement and impairment of any bodily function or organ;

20 (6) "Serious emotional injury", an injury that creates a substantial risk of temporary or
21 permanent medical or psychological damage, manifested by impairment of a behavioral,

22 cognitive, or physical condition. Serious emotional injury shall be established by testimony of
23 qualified experts upon the reasonable expectation of probable harm to a reasonable degree of
24 medical or psychological certainty;

25 (7) "Serious physical injury", a physical injury that creates a substantial risk of death or
26 that causes serious disfigurement or protracted loss or impairment of the function of any part of
27 the body.

28 2. A person commits the offense of abuse or neglect of a child if such person knowingly
29 causes a child who is less than eighteen years of age:

30 (1) To suffer physical or mental injury as a result of abuse or neglect; or

31 (2) To be placed in a situation in which the child may suffer physical or mental injury
32 as the result of abuse or neglect.

33 3. A person commits the offense of abuse or neglect of a child if such person recklessly
34 causes a child who is less than eighteen years of age to suffer from abusive head trauma.

35 4. A person does not commit the offense of abuse or neglect of a child by virtue of the
36 sole fact that the person delivers or allows the delivery of child to a provider of emergency
37 services.

38 5. The offense of abuse or neglect of a child is a class [C] **D** felony, without eligibility
39 for probation or parole until the defendant has served no less than one year of such sentence,
40 unless the person has previously been found guilty of a violation of this section or of a violation
41 of the law of any other jurisdiction that prohibits the same or similar conduct or the injury
42 inflicted on the child is a serious emotional injury or a serious physical injury, in which case
43 abuse or neglect of a child is a class B felony, without eligibility for probation or parole until the
44 defendant has served not less than five years of such sentence.

45 6. Notwithstanding subsection 5 of this section to the contrary, the offense of abuse or
46 neglect of a child is a class A felony, without eligibility for probation or parole until the
47 defendant has served not less than fifteen years of such sentence, if:

48 (1) The injury is a serious emotional injury or a serious physical injury;

49 (2) The child is less than fourteen years of age; and

50 (3) The injury is the result of sexual abuse as defined under section 566.100 or sexual
51 exploitation of a minor as defined under section 573.023.

52 7. The circuit or prosecuting attorney may refer a person who is suspected of abuse or
53 neglect of a child to an appropriate public or private agency for treatment or counseling so long
54 as the agency has consented to taking such referrals. Nothing in this subsection shall limit the
55 discretion of the circuit or prosecuting attorney to prosecute a person who has been referred for
56 treatment or counseling pursuant to this subsection.

57 8. Nothing in this section shall be construed to alter the requirement that every element
58 of any crime referred to herein must be proven beyond a reasonable doubt.

59 9. Discipline, including spanking administered in a reasonable manner, shall not be
60 construed to be abuse under this section.

 568.065. 1. A person commits the [crime] **offense** of genital mutilation if [such person]
2 **he or she**:

3 (1) Excises or infibulates, in whole or in part, the labia majora, labia minora, vulva or
4 clitoris of a female child less than seventeen years [of age] **old**; or

5 (2) Is a parent, guardian or other person legally responsible for a female child less than
6 seventeen years [of age] **old** and permits the excision or infibulation, in whole or in part, of the
7 labia majora, labia minora, vulva or clitoris of such female child.

8 2. **The offense of** genital mutilation is a class B felony.

9 3. Belief that the conduct described in subsection 1 of this section is required as a matter
10 of custom, ritual or standard practice, or consent to the conduct by the child on whom it is
11 performed or by the child's parent or legal guardian, shall not be an affirmative defense to a
12 charge pursuant to this section.

13 4. It is [an affirmative] **a** defense [that the defendant engaged in] **if** the conduct [charged]
14 which constitutes genital mutilation [if the conduct] was:

15 (1) Necessary to preserve the health of the child on whom it is performed and is
16 performed by a person licensed to practice medicine in this state; or

17 (2) Performed on a child who is in labor or who has just given birth and is performed for
18 medical purposes connected with such labor or birth by a person licensed to practice medicine
19 in this state.

 568.070. 1. A person commits the [crime] **offense** of unlawful transactions with a child
2 if **he or she**:

3 (1) Being a pawnbroker, junk dealer, dealer in secondhand goods, or any employee of
4 such person, [he] with criminal negligence buys or receives any personal property other than
5 agricultural products from an unemancipated minor, unless the child's custodial parent or
6 guardian has consented in writing to the transaction; or

7 (2) [He] Knowingly permits a minor child to enter or remain in a place where illegal
8 activity in controlled substances, as defined in chapter [195] **579**, is maintained or conducted;
9 or

10 (3) [He] With criminal negligence sells blasting caps, bulk gunpowder, or explosives to
11 a child under the age of seventeen, or fireworks as defined in section 320.110, to a child under
12 the age of fourteen, unless the child's custodial parent or guardian has consented in writing to the
13 transaction. Criminal negligence as to the age of the child is not an element of this crime.

14 2. **The offense of** unlawful transactions with a child is a class B misdemeanor.

 568.175. 1. A person[, partnership, corporation, agency, association, institution, society
2 or other organization] **or entity** commits the [crime] **offense** of trafficking in children if he, **she**,
3 or it offers, gives, receives or solicits any money, consideration or other thing of value for the
4 delivery or offer of delivery of a child to another person[, partnership, corporation, agency,
5 association, institution, society or other organization] **or entity** for purposes of adoption, or for
6 the execution of a consent to adopt or waiver of consent to future adoption or a consent to
7 termination of parental rights.

8 2. [A crime] **An offense** is not committed under this section if the money, consideration
9 or thing of value or conduct is permitted under chapter 453 relating to adoption.

10 3. The [crime] **offense** of trafficking in children is a class [C] **D** felony.

 569.010. As used in this chapter the following terms mean:

2 (1) ["Forcibly steals", a person "forcibly steals", and thereby commits robbery, when, in
3 the course of stealing, as defined in section 570.030, he uses or threatens the immediate use of
4 physical force upon another person for the purpose of:

5 (a) Preventing or overcoming resistance to the taking of the property or to the retention
6 thereof immediately after the taking; or

7 (b) Compelling the owner of such property or another person to deliver up the property
8 or to engage in other conduct which aids in the commission of the theft;

9 (2) "Inhabitable structure" includes a ship, trailer, sleeping car, airplane, or other vehicle
10 or structure:

11 (a) Where any person lives or carries on business or other calling; or

12 (b) Where people assemble for purposes of business, government, education, religion,
13 entertainment or public transportation; or

14 (c) Which is used for overnight accommodation of persons. Any such vehicle or
15 structure is "inhabitable" regardless of whether a person is actually present;

16 (3) "Of another", property is that "of another" if any natural person, corporation,
17 partnership, association, governmental subdivision or instrumentality, other than the actor, has
18 a possessory or proprietary interest therein;

19 (4) If a building or structure is divided into separately occupied units, any unit not
20 occupied by the actor is an "inhabitable structure of another";

21 (5) "Vital public facility" includes a facility maintained for use as a bridge, whether over
22 land or water, dam, reservoir, tunnel, communication installation or power station;

23 (6) "Utility", an enterprise which provides gas, electric, steam, water, sewerage disposal
24 or communication services and any common carrier. It may be either publicly or privately owned
25 or operated;

26 (7) "To tamper", to interfere with something improperly, to meddle with it, displace it,
27 make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or
28 possessor of that thing] **"Cave or cavern", any naturally occurring subterranean cavity**
29 **enterable by man including, without limitation, a pit, pothole, natural well, grotto, and**
30 **tunnel, whether or not the opening has a natural entrance;**

31 [(8)] (2) "Enter unlawfully or remain unlawfully", a person ["enters unlawfully or
32 remains unlawfully"] **enters or remains** in or upon premises when he **or she** is not licensed or
33 privileged to do so. A person who, regardless of his **or her** purpose, enters or remains in or upon
34 premises which are at the time open to the public does so with license and privilege unless he
35 defies a lawful order not to enter or remain, personally communicated to him **or her** by the
36 owner of such premises or by other authorized person. A license or privilege to enter or remain
37 in a building which is only partly open to the public is not a license or privilege to enter or
38 remain in that part of the building which is not open to the public;

39 (3) **"To tamper", to interfere with something improperly, to meddle with it,**
40 **displace it, make unwarranted alterations in its existing condition, or to deprive,**
41 **temporarily, the owner or possessor of that thing;**

42 (4) **"Utility", an enterprise which provides gas, electric, steam, water, sewerage**
43 **disposal or communication services and any common carrier. It may be either publicly or**
44 **privately owned or operated.**

569.040. 1. A person commits the [crime] **offense** of arson in the first degree [when]
2 **if he or she**]:

3 (1)] knowingly damages a building or inhabitable structure, and when any person is then
4 present or in near proximity thereto, by starting a fire or causing an explosion and thereby
5 recklessly places such person in danger of death or serious physical injury[; or

6 (2) By starting a fire or explosion, damages a building or inhabitable structure in an
7 attempt to produce methamphetamine].

8 2. **The offense of** arson in the first degree is a class B felony unless a person has suffered
9 serious physical injury or has died as a result of the fire or explosion set by the [defendant or as
10 a result of a fire or explosion started in an attempt by the defendant to produce
11 methamphetamine] **person**, in which case arson in the first degree is a class A felony.

569.050. 1. A person commits the [crime] **offense** of arson in the second degree [when]
2 **if he or she** knowingly damages a building or inhabitable structure by starting a fire or causing
3 an explosion.

4 2. A person does not commit a [crime] **offense** under this section if:

5 (1) No person other than himself **or herself** has a possessory, proprietary or security
6 interest in the damaged building, or if other persons have those interests, all of them consented
7 to his **or her** conduct; and

8 (2) [His] **The person's** sole purpose was to destroy or damage the building for a lawful
9 and proper purpose.

10 3. The defendant shall have the burden of injecting the issue under subsection 2 of this
11 section.

12 4. **The offense of** arson in the second degree is a class [C] **D** felony unless a person has
13 suffered serious physical injury or has died as a result of the fire or explosion [set by the
14 defendant] , in which case [arson in the second degree] **it** is a class B felony.

569.053. 1. A person commits the offense of arson in the third degree if he or she
2 **knowingly starts a fire or causes an explosion and thereby recklessly damages or destroys**
3 **a building or an inhabitable structure of another.**

4 **2. The offense of arson in the third degree is a class A misdemeanor.**

569.055. 1. A person commits the [crime] **offense** of knowingly burning or exploding
2 [when] **if he or she** knowingly damages property of another by starting a fire or causing an
3 explosion.

4 **2. The offense of** knowingly burning or exploding is a class [D] **E** felony.

569.060. 1. A person commits the [crime] **offense** of reckless burning or exploding
2 [when] **if he [knowingly] or she recklessly** starts a fire or causes an explosion and thereby
3 [recklessly] damages or destroys [a building or an inhabitable structure] **the property** of another.

4 **2. The offense of** reckless burning or exploding is a class [A] **B** misdemeanor.

569.065. 1. A person commits the [crime] **offense** of negligent burning or exploding
2 [when] **if he or she** with criminal negligence causes damage to property **or to the woodlands,**
3 **cropland, grassland, prairie, or marsh** of another by [fire or explosion] :

4 **(1) Starting a fire or causing an explosion; or**

5 **(2) Allowing a fire burning on lands in his or her possession or control onto the**
6 **property of another.**

7 **2. The offense** negligent burning or exploding is a class [B] **C** misdemeanor.

[578.445.] **569.075. 1. [No] A person [shall possess] commits the offense of possessing**
2 **a tool to break into a vending machine if he or she possesses** any key, tool, instrument,
3 explosive, or similar device, or a drawing, print, mold of a key, tool, instrument, explosive, or
4 device designed to open, break into, tamper with, or damage a coin-operated vending machine
5 or any other machine or device which is activated by the customer depositing some form of
6 payment, with the intent to commit a theft from such machine. [Violation of this subsection is
7 a class A misdemeanor.]

8 2. The owner of a coin-operated vending machine or any other machine or device which
9 is activated by the customer depositing some form of payment may maintain a civil cause of
10 action against any person who [pleads guilty or if] **has been** found guilty of a violation of
11 [subsection 1 of] this section. If such owner of a coin-operated vending machine or any other
12 machine or device which is activated by the customer depositing some form of payment prevails
13 in such action, the court may award treble damages, reasonable attorney's fees, and costs.

14 **3. The offense of possession of a tool to break into a vending machine is a class A**
15 **misdemeanor.**

 569.080. 1. A person commits the [crime] **offense** of tampering in the first degree if **he**
2 **or she:**

3 (1) [He or she] For the purpose of causing a substantial interruption or impairment of a
4 service rendered to the public by a utility or by an institution providing health or safety
5 protection, damages or tampers with property or facilities of such a utility or institution, and
6 thereby causes substantial interruption or impairment of service; or

7 (2) [He or she] Knowingly receives, possesses, sells, [alters, defaces, destroys] or
8 unlawfully operates an automobile, airplane, motorcycle, motorboat or other motor-propelled
9 vehicle without the consent of the owner thereof.

10 2. [Tampering in the first degree is a class C felony.

11 3.] Upon a finding by the court that the probative value outweighs the prejudicial effect,
12 evidence of the following is admissible in any criminal prosecution of a person under subdivision
13 (2) of subsection 1 of this section to prove the requisite knowledge [or belief] **that he or she:**

14 (1) [That he or she] Received, possessed, sold, [altered, defaced, destroyed,] or operated
15 an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle unlawfully on
16 a separate occasion;

17 (2) [That he or she] Acquired the automobile, airplane, motorcycle, motorboat, or other
18 motor-propelled vehicle for a consideration which he or she knew was far below its reasonable
19 value.

20 **3. The offense of tampering in the first degree is a class D felony.**

 569.090. 1. A person commits the [crime] **offense** of tampering in the second degree
2 if he or she:

3 (1) Tampers with property of another for the purpose of causing substantial
4 inconvenience to that person or to another; or

5 (2) Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat
6 or other motor-propelled vehicle; or

7 (3) Tampers or makes connection with property of a utility; or

8 (4) Tamper with, or causes to be tampered with, any meter or other property of an
9 electric, gas, steam or water utility, the effect of which tampering is either:

10 (a) To prevent the proper measuring of electric, gas, steam or water service; or

11 (b) To permit the diversion of any electric, gas, steam or water service.

12 2. In any prosecution under subdivision (4) of subsection 1, proof that a meter or any
13 other property of a utility has been tampered with, and the person or persons accused received
14 the use or direct benefit of the electric, gas, steam or water service, with one or more of the
15 effects described in subdivision (4) of subsection 1, shall be sufficient to support an inference
16 which the trial court may submit to the trier of fact, from which the trier of fact may conclude
17 that there has been a violation of such subdivision by the person or persons who use or receive
18 the direct benefit of the electric, gas, steam or water service.

19 3. Tampering in the second degree is a class A misdemeanor unless:

20 (1) Committed as a second or subsequent violation of subdivision (4) of subsection 1,
21 in which case it is a class [D] E felony; or

22 (2) The defendant has a prior conviction or has [had a prior finding of guilt] **previously**
23 **been found guilty** pursuant to paragraph (a) of subdivision (3) of subsection 3 of section
24 570.030, [section 570.080,] or subdivision (2) of subsection 1 of this section, in which case it is
25 a class [C] D felony.

569.095. 1. A person commits the [crime] **offense** of tampering with computer data if
2 he **or she** knowingly and without authorization or without reasonable grounds to believe that he
3 has such authorization:

4 (1) Modifies or destroys data or programs residing or existing internal to a computer,
5 computer system, or computer network; or

6 (2) Modifies or destroys data or programs or supporting documentation residing or
7 existing external to a computer, computer system, or computer network; or

8 (3) Discloses or takes data, programs, or supporting documentation, residing or existing
9 internal or external to a computer, computer system, or computer network; or

10 (4) Discloses or takes a password, identifying code, personal identification number, or
11 other confidential information about a computer system or network that is intended to or does
12 control access to the computer system or network;

13 (5) Accesses a computer, a computer system, or a computer network, and intentionally
14 examines information about another person;

15 (6) Receives, retains, uses, or discloses any data he knows or believes was obtained in
16 violation of this subsection.

17 2. **The offense of** tampering with computer data is a class A misdemeanor, unless the
18 offense is committed for the purpose of devising or executing any scheme or artifice to defraud

19 or to obtain any property, the value of which is [five] **seven** hundred **fifty** dollars or more, in
20 which case [tampering with computer data] it is a class [D] **E** felony.

569.097. 1. A person commits the [crime] **offense** of tampering with computer
2 equipment if he knowingly and without authorization or without reasonable grounds to believe
3 that he has such authorization:

4 (1) Modifies, destroys, damages, or takes equipment or data storage devices used or
5 intended to be used in a computer, computer system, or computer network; or

6 (2) Modifies, destroys, damages, or takes any computer, computer system, or computer
7 network.

8 2. **The offense of** tampering with computer equipment is a class A misdemeanor, unless:

9 (1) The offense is committed for the purpose of executing any scheme or artifice to
10 defraud or obtain any property, the value of which is [five] **seven** hundred **fifty** dollars or more,
11 in which case it is a class [D] **E** felony; or

12 (2) The damage to such computer equipment or to the computer, computer system, or
13 computer network is [five] **seven** hundred **fifty** dollars or more [but less than one thousand
14 dollars], in which case it is a class [D] **E** felony; or

15 (3) The damage to such computer equipment or to the computer, computer system, or
16 computer network is [one] **twenty-five** thousand dollars or [greater] **more**, in which case it is
17 a class [C] **D** felony.

569.099. 1. A person commits the [crime] **offense** of tampering with computer users if
2 he **or she** knowingly and without authorization or without reasonable grounds to believe that he
3 **or she** has such authorization:

4 (1) Accesses or causes to be accessed any computer, computer system, or computer
5 network; or

6 (2) Denies or causes the denial of computer system services to an authorized user of such
7 computer system services, which, in whole or in part, is owned by, under contract to, or operated
8 for, or on behalf of, or in conjunction with another.

9 2. The offense of tampering with computer users is a class A misdemeanor unless the
10 offense is committed for the purpose of devising or executing any scheme or artifice to defraud
11 or to obtain any property, the value of which is [five] **seven** hundred **fifty** dollars or more, in
12 which case tampering with computer users is a class [D] **E** felony.

569.100. 1. A person commits the [crime] **offense** of property damage in the first degree
2 if such person:

3 (1) Knowingly damages property of another to an extent exceeding seven hundred fifty
4 dollars; or

5 (2) Damages property to an extent exceeding [one thousand] **seven hundred fifty** dollars
6 for the purpose of defrauding an insurer; or

7 (3) Knowingly damages a motor vehicle of another and the damage occurs while such
8 person is making entry into the motor vehicle for the purpose of committing the crime of stealing
9 therein or the damage occurs while such person is committing the crime of stealing within the
10 motor vehicle.

11 2. **The offense of** property damage in the first degree committed under subdivision (1)
12 or (2) of subsection 1 of this section is a class [D] **E** felony. **The offense of** property damage in
13 the first degree committed under subdivision (3) of subsection 1 of this section is a class C felony
14 unless committed as a second or subsequent violation of subdivision (3) of subsection 1 of this
15 section in which case it is a class B felony.

569.120. 1. A person commits the [crime] **offense** of property damage in the second
2 degree if **he or she**:

3 (1) [He] Knowingly damages property of another; or

4 (2) [He] Damages property for the purpose of defrauding an insurer.

5 2. **The offense of** property damage in the second degree is a class B misdemeanor.

569.130. 1. A person does not commit an offense by damaging, tampering with,
2 operating, riding in or upon, or making connection with property of another if **he or she** does so
3 under a claim of right and has reasonable grounds to believe **he or she** has such a right.

4 2. The defendant shall have the burden of injecting the issue of claim of right.

[578.416.] **569.132.** [No person shall] **1. This section shall be known and may be**
2 **cited as the "Crop Protection Act".**

3 **2. A person commits the offense of prohibited act involving crops if he or she:**

4 (1) Intentionally [cause] **causes** the loss of any crop;

5 (2) [Damage, vandalize, or steal] **Damages, vandalizes, or steals** any property in or on
6 a crop;

7 (3) [Obtain] **Obtains** access to a crop by false pretenses for the purpose of performing
8 acts not authorized by the landowner;

9 (4) [Enter] **Enters** or otherwise [interfere] **interferes** with a crop with the intent to
10 destroy, alter, duplicate or obtain unauthorized possession of such crop;

11 (5) Knowingly [obtain] **obtains**, by theft or deception, control over a crop for the
12 purpose of depriving the rightful owner of such crop, or for the purpose of destroying such crop;
13 **or**

14 (6) [Enter or remain] **Enters or remains** on land on which a crop is located with the
15 intent to commit an act prohibited by this section.

16 **3. The offense of prohibited act involving crops is a class A misdemeanor for each**
17 **such violation unless:**

18 **(1) The loss or damage to the crop is fifty dollars or more, in which case it is a class**
19 **E felony;**

20 **(2) The loss or damage to the crop is seven hundred fifty dollars or more, in which**
21 **case it is a class D felony;**

22 **(3) The loss or damage to the crop is one thousand dollars or more, in which case**
23 **it is a class C felony;**

24 **(4) The loss or damage to the crop is twenty-five thousand dollars or more, in which**
25 **case it is a class B felony;**

26 **(5) The loss or damage to the crop is seventy-five thousand dollars or more, in**
27 **which case it is a class A felony.**

28 **4. Any person who has been damaged by a violation of this section shall have a civil**
29 **cause of action under section 537.353.**

30 **5. Nothing in this section shall preclude any owner or operator injured in his or her**
31 **business or in his or her property by a violation of this section from seeking appropriate**
32 **relief under any other provision of law or remedy including the issuance of an injunction**
33 **against any person who violates this section. The owner or operator of the business may**
34 **petition the court to permanently enjoin such persons from violating this section, and the**
35 **court shall provide such relief.**

36 **6. The director of the department of agriculture shall have the authority to**
37 **investigate any alleged violation of this section, along with any other law enforcement**
38 **agency, and may take any action within the director's authority necessary for the**
39 **enforcement of this section. The attorney general, the highway patrol, and other law**
40 **enforcement officials shall provide assistance required for the investigation.**

41 **7. The director may promulgate rules and regulations necessary for the**
42 **enforcement of this section. Any rule or portion of a rule, as that term is defined in section**
43 **536.010 that is created under the authority delegated in this section shall become effective**
44 **only if it complies with and is subject to all of the provisions of chapter 536, and, if**
45 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**
46 **the powers vested with the general assembly pursuant to chapter 536, to review, to delay**
47 **the effective date, or to disapprove and annul a rule are subsequently held**
48 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
49 **after August 28, 2013, shall be invalid and void.**

 [578.210.] **569.135.** 1. [A person, without the prior written permission of the owner or
2 if a corporation is the owner, of an officer of the corporation, lessee, or if the cavern is located

3 on public land, the superintendent thereof shall not] **Unless a person has the prior written**
4 **permission of the owner of the cave or cavern, an officer of a cave or cavern, a lessee of the**
5 **cave or cavern, or a superintendent of the cave or cavern, such person commits the offense**
6 **of unlawfully entering or defacing a cave or cavern if he or she:**

7 (1) Willfully or knowingly [break, break off, crack, carve upon, write or otherwise mark]
8 **breaks, breaks off, cracks, carves upon, writes or otherwise marks** upon, or in any manner
9 [destroy, mutilate, injure, deface, remove, displace, mar or harm] **destroys, mutilates, injures,**
10 **defaces, removes, displaces, mars, or harms** the surfaces of any cave or any natural material
11 therein including, without limitation, stalactites, stalagmites, helictites, anthodites, gypsum
12 flowers, or needles, cave pearls, flowstone, draperies, rimstone, spathites, columns or similar
13 crystalline mineral formation, including the host rock thereof].

14 2. A person shall not, without the permission required in subsection 1 of this section,
15 break, force, tamper with, remove or otherwise disturb] ; **or**

16 (2) **Breaks, forces, tampers with, removes, or otherwise disturbs** a lock, gate, door
17 or other structure designed to prevent entrance to a cave or cavern. A person violates this
18 subsection whether or not entrance to the cave or cavern is achieved.

19 2. **No additional appropriations may be made for the enforcement of this section.**

20 3. **The provisions of this section do not apply to vertical or horizontal underground**
21 **mining operations.**

22 4. **The offense of unlawfully entering or defacing a cave or cavern is a class A**
23 **misdemeanor.**

[578.215.] **569.137. 1. As used in this section, the following terms mean:**

2 (1) **"Cave system", the caves in a given area related to each other hydrologically,**
3 **whether continuous or discontinuous from a single opening;**

4 (2) **"Sinkhole", a hollow place or depression in the ground in which drainage may**
5 **collect with an opening therefrom into an underground channel or cave including any**
6 **subsurface opening that might be bridged by a formation of silt, gravel, humus, or any**
7 **other material through which percolation into the channel or cave may occur.**

8 2. A person [shall not] **commits the offense of polluting cave or subsurface waters**
9 **if he or she purposely [introduce] introduces** into any cave, cave system, sinkhole or subsurface
10 waters of the state any substance or structure that will or could violate any provision of the
11 Missouri clean water law as set forth in chapter [204] **644**, or any water quality standard or
12 effluent limitation promulgated pursuant thereto.

13 [2.] 3. The provisions of [subsection 1 of] this section do not apply:

14 (1) Where natural subsurface drainage systems including, without limitation, caves, cave
15 systems, sinkholes, fissures and related openings are used for purposes of storm water drainage,

16 artificial recharge of aquifers, and irrigation return flow, and where modifications of natural
17 drainage systems are made for purposes of improving natural drainage relationships; **or**

18 **(2) To vertical or horizontal underground mining operations.**

19 [3.] **4.** No additional appropriations may be made for the enforcement of [sections
20 578.200 to 578.225] **this section.**

21 **5. The offense of polluting cave or subsurface waters is a class A misdemeanor.**

569.140. 1. A person commits the [crime] **offense** of trespass in the first degree if he
2 **or she** knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable
3 structure or upon real property.

4 2. A person does not commit the [crime] **offense** of trespass in the first degree by
5 entering or remaining upon real property unless the real property is fenced or otherwise enclosed
6 in a manner designed to exclude intruders or as to which notice against trespass is given by:

7 (1) Actual communication to the actor; or

8 (2) Posting in a manner reasonably likely to come to the attention of intruders.

9 3. **The offense of** trespass in the first degree is a class B misdemeanor.

569.145. In addition to the posting of real property as set forth in section 569.140, the
2 owner or lessee of any real property may post the property by placing identifying purple marks
3 on trees or posts around the area to be posted. Each purple mark shall be:

4 (1) A vertical line of at least eight inches in length and the bottom of the mark shall be
5 no less than three feet nor more than five feet high. Such marks shall be placed no more than one
6 hundred feet apart and shall be readily visible to any person approaching the property; or

7 (2) A post capped or otherwise marked on at least its top two inches. The bottom of the
8 cap or mark shall be not less than three feet but not more than five feet six inches high. Posts
9 so marked shall be placed not more than thirty-six feet apart and shall be readily visible to any
10 person approaching the property. Prior to applying a cap or mark which is visible from both
11 sides of a fence shared by different property owners or lessees, all such owners or lessees shall
12 concur in the decision to post their own property. [Property so posted is to be considered posted
13 for all purposes, and any unauthorized entry upon the property is trespass in the first degree, and
14 a class B misdemeanor] **Posting in such a manner shall be found to be reasonably likely to**
15 **come to the attention of intruders for the purposes of section 569.140.**

569.150. 1. A person commits [the offense of] trespass in the second degree if he **or she**
2 enters unlawfully upon real property of another. This is an offense of absolute liability.

3 2. Trespass in the second degree is an infraction.

569.155. 1. A person commits the [crime] **offense** of trespass of a school bus if he **or**
2 **she** knowingly and unlawfully enters any part of or unlawfully operates any school bus.

3 2. [Trespass of a school bus is a class A misdemeanor.

4 3.] For the purposes of this section, the terms "unlawfully enters" and "unlawfully
5 operates" refer to any entry or operation of a school bus which is not:

6 (1) Approved of and established in a school district's written policy on access to school
7 buses; or

8 (2) Authorized by specific written approval of the school board.

9 [4.] **3.** In order to preserve the public order, any district which adopts the policies
10 described in subsection [3] **2** of this section shall establish and enforce a student behavior policy
11 for students on school buses.

12 **4. The offense of trespass of a school bus is a class A misdemeanor.**

 569.160. 1. A person commits the [crime] **offense** of burglary in the first degree if he
2 **or she** knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable
3 structure for the purpose of committing [a crime] **an offense** therein, and when in effecting entry
4 or while in the building or inhabitable structure or in immediate flight therefrom, [he] **the person**
5 or another participant in the [crime] **offense**:

6 (1) Is armed with explosives or a deadly weapon or;

7 (2) Causes or threatens immediate physical injury to any person who is not a participant
8 in the crime; or

9 (3) There is present in the structure another person who is not a participant in the crime.

10 **2. The offense of** burglary in the first degree is a class B felony.

 569.170. 1. A person commits the [crime] **offense** of burglary in the second degree
2 when he **or she** knowingly enters unlawfully or knowingly remains unlawfully in a building or
3 inhabitable structure for the purpose of committing a crime therein.

4 **2. The offense of** burglary in the second degree is a class [C] **D** felony.

 569.180. 1. A person commits the [crime] **offense** of possession of burglar's tools if he
2 **or she** possesses any tool, instrument or other article adapted, designed or commonly used for
3 committing or facilitating offenses involving forcible entry into premises, with a purpose to use
4 or knowledge that some person has the purpose of using the same in making an unlawful forcible
5 entry into a building or inhabitable structure or a room thereof.

6 **2. The offense of** possession of burglar's tools is a class [D] **E** felony.

 570.010. As used in this chapter , **the following terms mean**:

2 (1) "Adulterated" [means] , varying from the standard of composition or quality
3 prescribed by statute or lawfully promulgated administrative regulations of this state lawfully
4 filed, or if none, as set by commercial usage;

5 (2) "Appropriate" [means] , to take, obtain, use, transfer, conceal [or] , retain [possession
6 of] **or dispose**;

7 (3) "**Authorization to participate**" or "**ATP card**", a document which is issued by
8 a state or federal agency to a certified household to show the food stamp allotment the
9 household is authorized to receive on presentation of the document;

10 (4) "**Cable television service**", includes microwave television transmission from a
11 multipoint distribution service not capable of reception by conventional television receivers
12 without the use of special equipment;

13 (5) "**Check**", a check or other similar sight order or any other form of presentment
14 involving the transmission of account information for the payment of money;

15 (6) "**Coercion**" [means] , a threat, however communicated:

16 (a) To commit any [crime] **offense**; or

17 (b) To inflict physical injury in the future on the person threatened or another; or

18 (c) To accuse any person of any [crime] **offense**; or

19 (d) To expose any person to hatred, contempt or ridicule; or

20 (e) To harm the credit or business [repute] **reputation** of any person; or

21 (f) To take or withhold action as a public servant, or to cause a public servant to take or
22 withhold action; or

23 (g) To inflict any other harm which would not benefit the actor. A threat of accusation,
24 lawsuit or other invocation of official action is **justified and** not coercion if the property sought
25 to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for
26 harm done in the circumstances to which the accusation, exposure, lawsuit or other official
27 action relates, or as compensation for property or lawful service. The defendant shall have the
28 burden of injecting the issue of justification as to any threat;

29 [(4)] (7) "**Credit device**" [means] , a writing, **card, code**, number or other device
30 purporting to evidence an undertaking to pay for property or services delivered or rendered to
31 or upon the order of a designated person or bearer;

32 [(5)] (8) "**Dealer**" [means] , a person in the business of buying and selling goods;

33 [(6)] (9) "**Debit device**" [means] , a **writing**, card, code, number or other device, other
34 than a check, draft or similar paper instrument, by the use of which a person may initiate an
35 electronic fund transfer, including but not limited to devices that enable electronic transfers of
36 benefits to public assistance recipients;

37 [(7)] (10) "**Deceit or deceive**" [means purposely] , making a representation which is false
38 and which the actor does not believe to be true and upon which the victim relies, as to a matter
39 of fact, law, value, intention or other state of mind, **or concealing a material fact as to the**
40 **terms of a contract or agreement**. The term "deceit" does not, however, include falsity as to
41 matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary

42 persons in the group addressed. Deception as to the actor's intention to perform a promise shall
43 not be inferred from the fact alone that he did not subsequently perform the promise;

44 [(8)] (11) "Deprive" [means]:

45 (a) To withhold property from the owner permanently; or

46 (b) To restore property only upon payment of reward or other compensation; or

47 (c) To use or dispose of property in a manner that makes recovery of the property by the
48 owner unlikely;

49 (12) "Financial institution", a bank, trust company, savings and loan association,
50 or credit union;

51 (13) "Food stamp coupons" or "food stamp", any coupon, stamp or other type of
52 document used or intended for use in the purchase of food pursuant to the Missouri food
53 stamp program;

54 (14) "Forcibly steals", a person, in the course of stealing, uses or threatens the
55 immediate use of physical force upon another person for the purpose of:

56 (a) Preventing or overcoming resistance to the taking of the property or to the
57 retention thereof immediately after the taking; or

58 (b) Compelling the owner of such property or another person to deliver up the
59 property or to engage in other conduct which aids in the commission of the theft;

60 (15) "Means of identification", anything used by a person as a means to uniquely
61 distinguish himself or herself;

62 (16) "Merchant", a person who deals in goods of the kind or otherwise by his or
63 her occupation holds oneself out as having knowledge or skill peculiar to the practices or
64 goods involved in the transaction or to whom such knowledge or skill may be attributed
65 by his or her employment of an agent or broker or other intermediary who by his or her
66 occupation holds oneself out as having such knowledge or skill;

67 [(9)] (17) "Mislabeled" [means] , varying from the standard of truth or disclosure in
68 labeling prescribed by statute or lawfully promulgated administrative regulations of this state
69 lawfully filed, or if none, as set by commercial usage; or represented as being another person's
70 product, though otherwise accurately labeled as to quality and quantity;

71 [(10)] "New and unused property" means tangible personal property that has never been
72 used since its production or manufacture and is in its original unopened package or container if
73 such property was packaged;

74 (11) "Of another" property or services is that "of another" if any natural person,
75 corporation, partnership, association, governmental subdivision or instrumentality, other than
76 the actor, has a possessory or proprietary interest therein, except that property shall not be

77 deemed property of another who has only a security interest therein, even if legal title is in the
78 creditor pursuant to a conditional sales contract or other security arrangement;

79 (12)] (18) **"Pharmacy", any building, warehouse, physician's office, hospital,**
80 **pharmaceutical house or other structure used in whole or in part for the sale, storage, or**
81 **dispensing of any controlled substance as defined in chapter 195;**

82 (19) "Property" [means] , anything of value, whether real or personal, tangible or
83 intangible, in possession or in action, and shall include but not be limited to the evidence of a
84 debt actually executed but not delivered or issued as a valid instrument;

85 [(13) "Receiving" means acquiring possession, control or title or lending on the security
86 of the property;

87 (14)] (20) **"Public assistance", anything of value, including money, food, ATP cards,**
88 **food stamp coupons, commodities, clothing, utilities, utilities payments, shelter, drugs and**
89 **medicine, materials, goods, and any service including institutional care, medical care,**
90 **dental care, child care, psychiatric and psychological service, rehabilitation instruction,**
91 **training, or counseling, received by or paid on behalf of any person under chapters 198,**
92 **205, 207, 208, 209, and 660, or benefits, programs, and services provided or administered**
93 **by the Missouri department of social services or any of its divisions;**

94 (21) "Services" includes transportation, telephone, electricity, gas, water, or other public
95 service, **cable television service**, accommodation in hotels, restaurants or elsewhere, admission
96 to exhibitions and use of vehicles;

97 (22) **"Stealing-related offense", federal and state violations of criminal statutes**
98 **against stealing, robbery, or buying or receiving stolen property and shall also include**
99 **municipal ordinances against the same if the offender was either represented by counsel**
100 **or knowingly waived counsel in writing and the judge accepting the plea or making the**
101 **findings was a licensed attorney at the time of the court proceedings;**

102 [(15)] (23) "Writing" includes printing, any other method of recording information,
103 money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and
104 any other symbols of value, right, privilege or identification.

570.020. For the purposes of this chapter, the value of property shall be ascertained as
2 follows:

3 (1) Except as otherwise specified in this section, "value" means the market value of the
4 property at the time and place of the crime, or if such cannot be satisfactorily ascertained, the
5 cost of replacement of the property within a reasonable time after the crime. If the victim is a
6 merchant, [as defined in section 400.2-104,] and the property is a type that the merchant sells in
7 the ordinary course of business, then the property shall be valued at the price that such merchant
8 would normally sell such property;

9 (2) Whether or not they have been issued or delivered, certain written instruments, not
10 including those having a readily ascertainable market value such as some public and corporate
11 bonds and securities, shall be evaluated as follows:

12 (a) The value of an instrument constituting evidence of debt, such as a check, draft or
13 promissory note, shall be deemed the amount due or collectible thereon or thereby, such figure
14 ordinarily being the face amount of the indebtedness less any portion thereof which has been
15 satisfied;

16 (b) The value of any other instrument which creates, releases, discharges or otherwise
17 affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of
18 economic loss which the owner of the instrument might reasonably suffer by virtue of the loss
19 of the instrument;

20 (3) When the value of property cannot be satisfactorily ascertained pursuant to the
21 standards set forth in subdivisions (1) and (2) of this section, its value shall be deemed to be an
22 amount less than [five] **seven hundred fifty** dollars.

[569.020.] **570.023.** 1. A person commits the [crime] **offense** of robbery in the first
2 degree [when] **if he or she** forcibly steals property and in the course thereof he **or she**, or another
3 participant in the [crime,] **offense:**

4 (1) Causes serious physical injury to any person; or

5 (2) Is armed with a deadly weapon; or

6 (3) Uses or threatens the immediate use of a dangerous instrument against any person;

7 or

8 (4) Displays or threatens the use of what appears to be a deadly weapon or dangerous
9 instrument; **or**

10 **(5) Steals any controlled substance from a pharmacy.**

11 2. **The offense of** robbery in the first degree is a class A felony.

[569.030.] **570.025.** 1. A person commits the [crime] **offense** of robbery in the second
2 degree [when] **if he or she** forcibly steals property **and in the course thereof causes physical**
3 **injury to another person.**

4 2. **The offense of** robbery in the second degree is a class [B] **C** felony.

570.030. 1. A person commits the [crime] **offense** of stealing if he or she:

2 **(1)** Appropriates property or services of another with the purpose to deprive him or her
3 thereof, either without his or her consent or by means of deceit or coercion; **or**

4 **(2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with**
5 **the purpose to deprive him or her thereof, either without his or her consent or by means**
6 **of deceit or coercion; or**

7 **(3) For the purpose of depriving the owner of a lawful interest therein, receives,**
8 **retains or disposes of property of another knowing that it has been stolen, or believing that**
9 **it has been stolen.**

10 2. [Evidence of the following is admissible in any criminal prosecution pursuant to this
11 section on the issue of the requisite knowledge or belief of the alleged stealer:

12 (1) That he or she failed or refused to pay for property or services of a hotel, restaurant,
13 inn or boardinghouse;

14 (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or
15 boardinghouse a check or negotiable paper on which payment was refused;

16 (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not
17 pay for property or services;

18 (4) That he or she surreptitiously removed or attempted to remove his or her baggage
19 from a hotel, inn or boardinghouse;

20 (5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters,
21 transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal
22 price code label, or possesses with intent to cheat or defraud, the device that manufactures
23 fraudulent receipts or universal price code labels.

24 3. Notwithstanding any other provision of law, any offense in which the value of
25 property or services is an element is a class C felony if:

26 (1) The value of the property or services appropriated is five hundred dollars or more but
27 less than twenty-five thousand dollars; or

28 (2) The actor physically takes the property appropriated from the person of the victim;
29 or

30 (3) The property appropriated consists of:

31 (a) Any motor vehicle, watercraft or aircraft; or

32 (b) Any will or unrecorded deed affecting real property; or

33 (c) Any credit card or letter of credit; or

34 (d) Any firearms; or

35 (e) Any explosive weapon as defined in section 571.010; or

36 (f) A United States national flag designed, intended and used for display on buildings
37 or stationary flagstaffs in the open; or

38 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
39 legislature of the state of Missouri; or

40 (h) Any pleading, notice, judgment or any other record or entry of any court of this state,
41 any other state or of the United States; or

42 (i) Any book of registration or list of voters required by chapter 115; or

- 43 (j) Any animal considered livestock as that term is defined in section 144.010; or
44 (k) Live fish raised for commercial sale with a value of seventy-five dollars; or
45 (l) Captive wildlife held under permit issued by the conservation commission; or
46 (m) Any controlled substance as defined by section 195.010; or
47 (n) Anhydrous ammonia;
48 (o) Ammonium nitrate; or
49 (p) Any document of historical significance which has fair market value of five hundred
50 dollars or more.

51 4. If an actor appropriates any material with a value less than five hundred dollars in
52 violation of this section with the intent to use such material to manufacture, compound, produce,
53 prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such
54 violation is a class C felony. The theft of any amount of anhydrous ammonia or liquid nitrogen,
55 or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class B felony.
56 The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail
57 tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

58 5. The theft of any item of property or services pursuant to subsection 3 of this section
59 which exceeds five hundred dollars may be considered a separate felony and may be charged in
60 separate counts.

61 6. Any person with a prior conviction of paragraph (j) or (l) of subdivision (3) of
62 subsection 3 of this section and who violates the provisions of paragraph (j) or (l) of subdivision
63 (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three
64 thousand dollars is guilty of a class B felony. Notwithstanding any provision of law to the
65 contrary, such person shall serve a minimum prison term of not less than eighty percent of his
66 or her sentence before he or she is eligible for probation, parole, conditional release, or other
67 early release by the department of corrections.

68 7. Any offense in which the value of property or services is an element is a class B felony
69 if the value of the property or services equals or exceeds twenty-five thousand dollars.

70 8. Any violation of this section for which no other penalty is specified in this section is
71 a class A misdemeanor.] **The offense of stealing is a class A felony if the property**
72 **appropriated consists of any of the following containing any amount of anhydrous**
73 **ammonia: a tank truck, tank trailer, rail tank car, bulk storage tank, field nurse, field**
74 **tank or field applicator.**

75 **3. The offense of stealing is a class B felony if:**

76 **(1) The property appropriated or attempted to be appropriated consists of any**
77 **amount of anhydrous ammonia or liquid nitrogen; or**

78 (2) A person has been found guilty of violating this section, when the property is
79 of the kind described under paragraph (j) or (l) of subdivision (3) of subsection 5 of this
80 section and the value of the animal or animals stolen exceeds three thousand dollars and
81 that person has previously been found guilty of stealing property of the kind described
82 under paragraph (j) or (l) of subdivision (3) of subsection 5 of this section.
83 Notwithstanding any provision of law to the contrary, such person shall serve a minimum
84 prison term of not less than eighty percent of his or her sentence before he or she is eligible
85 for probation, parole, conditional release, or other early release by the department of
86 corrections;

87 (3) A person appropriates property consisting of a motor vehicle, watercraft or
88 aircraft, and that person has previously pleaded guilty to or been found guilty of two
89 stealing-related offenses committed on two separate occasions where such offenses
90 occurred within ten years of the date of occurrence of the present offense.

91 4. The offense of stealing is a class C felony if the value of the property or services
92 appropriated is twenty-five thousand dollars or more.

93 5. The offense of stealing is a class D felony if:

94 (1) The value of the property or services appropriated is seven hundred fifty dollars
95 or more; or

96 (2) The offender physically takes the property appropriated from the person of the
97 victim; or

98 (3) The property appropriated consists of:

99 (a) Any motor vehicle, watercraft or aircraft; or

100 (b) Any will or unrecorded deed affecting real property; or

101 (c) Any credit device, debit device or letter of credit; or

102 (d) Any firearms; or

103 (e) Any explosive weapon as defined in section 571.010; or

104 (f) Any United States national flag designed, intended and used for display on
105 buildings or stationary flagstaffs in the open; or

106 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
107 legislature of the state of Missouri; or

108 (h) Any pleading, notice, judgment or any other record or entry of any court of this
109 state, any other state or of the United States; or

110 (i) Any book of registration or list of voters required by chapter 115; or

111 (j) Any animal considered livestock as that term is defined in section 144.010; or

112 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or
113 more; or

- 114 (l) Any captive wildlife held under permit issued by the conservation commission;
115 or
116 (m) Any controlled substance as defined by section 195.010; or
117 (n) Ammonium nitrate; or
118 (o) Any wire, electrical transformer, metallic wire associated with transmitting
119 telecommunications, or any other device or pipe that is associated with conducting
120 electricity or transporting natural gas or other combustible fuels; or
121 (p) Any material appropriated with the intent to use such material to manufacture,
122 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any
123 of their analogues.
- 124 6. The offense of stealing is a class E felony if:
125 (1) The property appropriated is an animal; or
126 (2) A person has been previously found guilty of three stealing-related offenses
127 committed on three separate occasions where such offenses occurred within ten years of
128 the date of occurrence of the present offense, and the person received a sentence of ten days
129 or more on such previous offenses.
- 130 7. The offense of stealing is a class D misdemeanor if the property is not of a type
131 listed in subsection 2, 3, 5, or 6 of this section and the property appropriated has a value
132 of less than one hundred fifty dollars and the person has no previous findings of guilt for
133 a stealing-related offense.
- 134 8. The offense of stealing is a class A misdemeanor if not other penalty is specified
135 in this section.
- 136 9. If a violation of this section is subject to enhanced punishment based on prior
137 findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as
138 required by section 558.021.
- 139 10. The appropriation of any property or services of a type listed in subsection 2,
140 3, 5, or 6 of this section or of a value of seven hundred fifty dollars or more may be
141 considered a separate felony and may be charged in separate counts.
- 142 11. The value of property or services appropriated pursuant to one scheme or
143 course of conduct, whether from the same or several owners and whether at the same or
144 different times, constitute a single criminal episode and may be aggregated in determining
145 the grade of the offense, except as set forth in subsection 10 of this section.

2 570.039. A person who appropriates cable television service shall not be deemed to
3 have stolen that service within the meaning of section 570.030, if a cable television company
4 either:

- 4 (1) Provides unsolicited cable television service; or

5 **(2) Fails to change or disconnect cable television service within ten days after**
6 **receiving written notice to do so by the customer. The customer may deem such service to**
7 **be a gift without any obligation to the cable television company from ten days after such**
8 **written notice is received until the service is changed or disconnected.**

 [578.075.] **570.053.** 1. A person [who] **commits the offense of feigned blindness if he**
2 **or she** simulates blindness or pretends to be a blind person with the purpose of obtaining
3 something of value from another person by deceit [commits the offense of feigned blindness].

4 2. The offense of feigned blindness is a class A misdemeanor.

 [578.150.] **570.057.** 1. A person commits the [crime] **offense** of stealing leased or rented
2 property if, with the intent to deprive the owner thereof, such person:

3 (1) Purposefully fails to return leased or rented personal property to the place and within
4 the time specified in an agreement in writing providing for the leasing or renting of such personal
5 property;

6 (2) Conceals or aids or abets the concealment of the property from the owner;

7 (3) Sells, encumbers, conveys, pawns, loans, abandons or gives away the leased or rented
8 property or any part thereof, without the written consent of the lessor, or without informing the
9 person to whom the property is transferred to that the property is subject to a lease;

10 (4) Returns the property to the lessor at the end of the lease term, plus any agreed upon
11 extensions, but does not pay the lease charges agreed upon in the written instrument, with the
12 intent to wrongfully deprive the lessor of the agreed upon charges.

13 2. The provisions of this section shall apply to all forms of leasing and rental agreements,
14 including, but not limited to, contracts which provide the consumer options to buy the leased or
15 rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose
16 of determining if a violation of this section has occurred, leasing contracts which provide options
17 to buy the merchandise are owned by the owner of the property until such time as the owner
18 endorses the sale and transfer of ownership of the leased property to the lessee.

19 3. Evidence that a lessee used a false, fictitious, or not current name, address, or place
20 of employment in obtaining the property or that a lessee fails or refuses to return the property or
21 pay the lease charges to the lessor within seven days after written demand for the return has been
22 sent by certified mail, return receipt requested, to the address the person set forth in the lease
23 agreement, or in the absence of the address, to the person's last known place of residence, shall
24 be evidence of intent to violate the provisions of this section, except that if a motor vehicle has
25 not been returned within seventy-two hours after the expiration of the lease or rental agreement,
26 such failure to return the motor vehicle shall be prima facie evidence of the intent of the crime
27 of stealing leased or rented property. Where the leased or rented property is a motor vehicle, if
28 the motor vehicle has not been returned within seventy-two hours after the expiration of the lease

29 or rental agreement, the lessor may notify the local law enforcement agency of the failure of the
30 lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor
31 vehicle to be put into any appropriate state and local computer system listing stolen motor
32 vehicles. Any law enforcement officer which stops such a motor vehicle may seize the motor
33 vehicle and notify the lessor that he may recover such motor vehicle after it is photographed and
34 its vehicle identification number is recorded for evidentiary purposes. Where the leased or
35 rented property is not a motor vehicle, if such property has not been returned within the
36 seven-day period prescribed in this subsection, the owner of the property shall report the failure
37 to return the property to the local law enforcement agency, and such law enforcement agency
38 may within five days notify the person who leased or rented the property that such person is in
39 violation of this section, and that failure to immediately return the property may subject such
40 person to arrest for the violation.

41 4. This section shall not apply if such personal property is a vehicle and such return is
42 made more difficult or expensive by a defect in such vehicle which renders such vehicle
43 inoperable, if the lessee shall notify the lessor of the location of such vehicle and such defect
44 before the expiration of the lease or rental agreement, or within ten days after proper notice.

45 5. Any person who has leased or rented personal property of another who destroys such
46 property so as to avoid returning it to the owner [shall be guilty] **commits the offense** of property
47 damage pursuant to section 569.100 or 569.120, in addition to being in violation of this section.

48 6. Venue shall lie in the county where the personal property was originally rented or
49 leased.

50 7. **The offense of** stealing leased or rented property is a class A misdemeanor unless the
51 property involved has a value of [one thousand] **seven hundred fifty** dollars or more, in which
52 case stealing leased or rented property is a class [C] **D** felony.

570.070. 1. A person does not commit an offense under section 570.030 if, at the time
2 of the appropriation, he **or she**:

3 (1) Acted in the honest belief that he had the right to do so; or

4 (2) Acted in the honest belief that the owner, if present, would have consented to the
5 appropriation.

6 2. The defendant shall have the burden of injecting the issue of claim of right.

570.085. 1. A person commits the [crime] **offense** of alteration or removal of item
2 numbers if he **or she**, with the purpose of depriving the owner of a lawful interest therein:

3 (1) Destroys, removes, covers, conceals, alters, defaces, or causes to be destroyed,
4 removed, covered, concealed, altered, or defaced, the manufacturer's original serial number or
5 other distinguishing owner-applied number or mark, on any item which bears a serial number

6 attached by the manufacturer or distinguishing number or mark applied by the owner of the item,
7 for any reason whatsoever;

8 (2) Sells, offers for sale, pawns or uses as security for a loan, any item on which the
9 manufacturer's original serial number or other distinguishing owner-applied number or mark has
10 been destroyed, removed, covered, concealed, altered, or defaced; or

11 (3) Buys, receives as security for a loan or in pawn, or in any manner receives or has in
12 his possession any item on which the manufacturer's original serial number or other
13 distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed,
14 altered, or defaced.

15 2. **The offense of** alteration or removal of item numbers is a class [D] **E** felony if the
16 value of the item or items in the aggregate is [five] **seven** hundred **fifty** dollars or more[. If the
17 value of the item or items in the aggregate is less than five hundred dollars, then] ; **otherwise** it
18 is a class B misdemeanor.

570.090. 1. A person commits the [crime] **offense** of forgery if, with the purpose to
2 defraud, the person:

3 (1) Makes, completes, alters or authenticates any writing so that it purports to have been
4 made by another or at another time or place or in a numbered sequence other than was in fact the
5 case or with different terms or by authority of one who did not give such authority; or

6 (2) Erases, obliterates or destroys any writing; or

7 (3) Makes or alters anything other than a writing, including receipts and universal
8 product codes, so that it purports to have a genuineness, antiquity, rarity, ownership or authorship
9 which it does not possess; or

10 (4) Uses as genuine, or possesses for the purpose of using as genuine, or transfers with
11 the knowledge or belief that it will be used as genuine, any writing or other thing including
12 receipts and universal product codes, which the [actor] **person** knows has been made or altered
13 in the manner described in this section.

14 2. **The offense of** forgery is a class [C] **D** felony.

570.100. 1. A person commits the [crime] **offense** of possession of a forging
2 instrumentality if, with the purpose of committing forgery, he **or she** makes, causes to be made
3 or possesses any plate, mold, instrument or device for making or altering any writing or anything
4 other than a writing.

5 2. **The offense of** possession of a forging instrumentality is a class [C] **D** felony.

570.103. 1. As used in this section and section 570.105, the following words mean:

2 (1) "Counterfeit mark", any unauthorized reproduction or copy of intellectual property
3 or intellectual property affixed to any item knowingly sold, offered for sale, manufactured, or

4 distributed, or identifying services offered or rendered, without the authority of the owner of the
5 intellectual property;

6 (2) "Intellectual property", any trademark, service mark, trade name, label, term, device,
7 design, or word adopted or used by a person to identify such person's goods or services;

8 (3) "Retail value", the counterfeiter's regular selling price for the item or service bearing
9 or identified by the counterfeit mark. In the case of items bearing a counterfeit mark which are
10 components of a finished product, the retail value shall be the counterfeiter's regular selling price
11 of the finished product on or in which the component would be utilized.

12 2. [Any] A person [who] **commits the offense of counterfeiting if he or she** willfully
13 manufactures, uses, displays, advertises, distributes, offers for sale, sells, or possesses [with
14 intent to sell or distribute] **for the purpose of selling or distributing** any item, or services,
15 bearing or identified by a counterfeit mark[, shall be guilty of the crime of counterfeiting]. A
16 person having possession, custody or control of more than twenty-five items bearing a
17 counterfeit mark shall be presumed to possess said items [with intent to sell or distribute] **for the**
18 **purpose of selling or distributing.**

19 3. **The offense of counterfeiting [shall be] is** a class A misdemeanor, except as provided
20 in subsections 4 and 5 of this section.

21 4. **The offense of counterfeiting [shall be] is** a class [D] E felony if:

22 (1) The defendant has previously been convicted under this section; or

23 (2) The violation involves more than one hundred but fewer than one thousand items
24 bearing a counterfeit mark or the total retail value of all items bearing, or services identified by,
25 a counterfeit mark is **seven hundred fifty dollars or more** [than one thousand dollars, but less
26 than ten thousand dollars].

27 5. **The offense of counterfeiting [shall be] is** a class [C] D felony if:

28 (1) The defendant has been previously convicted of two or more offenses under this
29 section;

30 (2) The violation involves the manufacture or production of items bearing counterfeit
31 marks; or

32 (3) The violation involves one thousand or more items bearing a counterfeit mark or the
33 total retail value of all items bearing, or services identified by, a counterfeit mark is **twenty-five**
34 **thousand dollars or more** [than ten thousand dollars].

35 6. For purposes of this section, the quantity or retail value of items or services shall
36 include the aggregate quantity or retail value of all items bearing, or services identified by, every
37 counterfeit mark the defendant manufactures, uses, displays, advertises, distributes, offers for
38 sale, sells or possesses.

39 7. [Any person convicted of counterfeiting shall be fined an amount up to three times the
40 retail value of the items bearing, or services identified by, a counterfeit mark, unless extenuating
41 circumstances are shown by the defendant.

42 8.] The remedies provided for herein shall be cumulative to the other civil remedies
43 provided by law.

44 [9.] **8.** Any state or federal certificate of registration of any intellectual property shall be
45 prima facie evidence of the facts stated therein.

 570.110. 1. A person commits the [crime] **offense** of issuing a false instrument or
2 certificate when, being authorized by law to take proof or acknowledgment of any instrument
3 which by law may be recorded, or being authorized by law to make or issue official certificates
4 or other official written instruments, he **or she** issues such an instrument or certificate, or makes
5 the same with the purpose that it be issued, knowing:

6 (1) That it contains a false statement or false information; or

7 (2) That it is wholly or partly blank.

8 2. **The offense of** issuing a false instrument or certificate is a class A misdemeanor.

 570.120. 1. A person commits the [crime] **offense** of passing a bad check when **he or**
2 **she:**

3 (1) With **the** purpose to defraud, [the person] makes, issues or passes a check or other
4 similar sight order or any other form of presentment involving the transmission of account
5 information for the payment of money, knowing that it will not be paid by the drawee, or that
6 there is no such drawee; or

7 (2) [The person] Makes, issues, or passes a check or other similar sight order or any other
8 form of presentment involving the transmission of account information for the payment of
9 money, knowing that there are insufficient funds in or on deposit with that account for the
10 payment of such check, sight order, or other form of presentment involving the transmission of
11 account information in full and all other checks, sight orders, or other forms of presentment
12 involving the transmission of account information upon such funds then outstanding, or that
13 there is no such account or no drawee and fails to pay the check or sight order or other form of
14 presentment involving the transmission of account information within ten days after receiving
15 actual notice in writing that it has not been paid because of insufficient funds or credit with the
16 drawee or because there is no such drawee.

17 2. As used in subdivision (2) of subsection 1 of this section, "actual notice in writing"
18 means notice of the nonpayment which is actually received by the defendant. Such notice may
19 include the service of summons or warrant upon the defendant for the initiation of the
20 prosecution of the check or checks which are the subject matter of the prosecution if the
21 summons or warrant contains information of the ten-day period during which the instrument may

22 be paid and that payment of the instrument within such ten-day period will result in dismissal
23 of the charges. The requirement of notice shall also be satisfied for written communications
24 which are tendered to the defendant and which the defendant refuses to accept.

25 3. The face amounts of any bad checks passed pursuant to one course of conduct within
26 any ten-day period may be aggregated in determining the grade of the offense.

27 4. **The offense of** passing bad checks is a class A misdemeanor, unless:

28 (1) The face amount of the check or sight order or the aggregated amounts is **[five] seven**
29 **hundred fifty** dollars or more; or

30 (2) The issuer had no account with the drawee or if there was no such drawee at the time
31 the check or order was issued,

32

33 in which **[cases] case** passing a bad **[checks] check** is a class **[C] E** felony.

34 5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney
35 or circuit attorney who takes any action pursuant to the provisions of this section shall collect
36 from the issuer in such action an administrative handling cost. The cost shall be twenty-five
37 dollars for checks of less than one hundred dollars, and fifty dollars for checks of one hundred
38 dollars but less than two hundred fifty dollars. For checks of two hundred fifty dollars or more
39 an additional fee of ten percent of the face amount shall be assessed, with a maximum fee for
40 administrative handling costs not to exceed seventy-five dollars total. Notwithstanding the
41 provisions of sections 50.525 to 50.745, the costs provided for in this subsection shall be
42 deposited by the county treasurer into a separate interest-bearing fund to be expended by the
43 prosecuting attorney or circuit attorney. The funds shall be expended, upon warrants issued by
44 the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only
45 for purposes related to that previously authorized in this section. Any revenues that are not
46 required for the purposes of this section may be placed in the general revenue fund of the county
47 or city not within a county. Notwithstanding any law to the contrary, in addition to the
48 administrative handling cost, the prosecuting attorney or circuit attorney shall collect an
49 additional cost of five dollars per check for deposit to the Missouri office of prosecution services
50 fund established in subsection 2 of section 56.765. All moneys collected pursuant to this section
51 which are payable to the Missouri office of prosecution services fund shall be transmitted at least
52 monthly by the county treasurer to the director of revenue who shall deposit the amount collected
53 pursuant to the credit of the Missouri office of prosecution services fund under the procedure
54 established pursuant to subsection 2 of section 56.765.

55 (2) The moneys deposited in the fund may be used by the prosecuting or circuit attorney
56 for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial
57 and witness preparation, additional employees for the staff of the prosecuting or circuit attorney,

58 employees' salaries, and for other lawful expenses incurred by the circuit or prosecuting attorney
59 in operation of that office.

60 (3) This fund may be audited by the state auditor's office or the appropriate auditing
61 agency.

62 (4) If the moneys collected and deposited into this fund are not totally expended
63 annually, then the unexpended balance shall remain in said fund and the balance shall be kept
64 in said fund to accumulate from year to year.

65 6. Notwithstanding any other provision of law to the contrary:

66 (1) In addition to the administrative handling costs provided for in subsection 5 of this
67 section, the prosecuting attorney or circuit attorney may collect from the issuer, in addition to the
68 face amount of the check, a reasonable service charge, which along with the face amount of the
69 check, shall be turned over to the party to whom the bad check was issued;

70 (2) If a check that is dishonored or returned unpaid by a financial institution is not
71 referred to the prosecuting attorney or circuit attorney for any action pursuant to the provisions
72 of this section, the party to whom the check was issued, or his or her agent or assignee, or a
73 holder, may collect from the issuer, in addition to the face amount of the check, a reasonable
74 service charge, not to exceed twenty-five dollars, plus an amount equal to the actual charge by
75 the depository institution for the return of each unpaid or dishonored instrument.

76 7. When any financial institution returns a dishonored check to the person who deposited
77 such check, it shall be in substantially the same physical condition as when deposited, or in such
78 condition as to provide the person who deposited the check the information required to identify
79 the person who wrote the check.

570.125. 1. A person commits the [crime] **offense** of ["]fraudulently stopping payment
2 of an instrument["] if he **or she**, [knowingly,] with the purpose to defraud, stops payment on a
3 check [or] , draft [given] , **or debit device used** in payment for the receipt of goods or services.

4 2. **The offense of** fraudulently stopping payment of an instrument is a class A
5 misdemeanor, unless the face amount of the check or draft is [five] **seven** hundred **fifty** dollars
6 or more or, if the stopping of payment of more than one check or draft is involved in the same
7 course of conduct, the aggregate amount is [five] **seven** hundred **fifty** dollars or more, in which
8 case the offense is a class [D] **E** felony.

9 3. It shall be prima facie evidence of a violation of this section if a person stops payment
10 on a check [or] , draft, **or debit device** and fails to make good the check [or] , draft, or **debit**
11 **device transaction, or fails to** return or make and comply with reasonable arrangements to
12 return the property for which the check [or] , draft, **or debit device** was [given] **used** in the same
13 or substantially the same condition as when received within ten days after notice in writing from

14 the payee that the check [or] , draft, **or debit device transaction** has not been paid because of
15 a stop payment order by the issuer to the drawee.

16 4. "Notice in writing" means notice deposited as certified or registered mail in the United
17 States mail and addressed to the issuer at his address as it appears on the dishonored check [or]
18 , draft, **or debit device transaction** or to his last known address. The notice shall contain a
19 statement that failure to make good the check [or] , draft, **or debit device transaction** within ten
20 days of receipt of the notice may subject the issuer to criminal prosecution.

570.130. 1. A person commits the [crime] **offense** of fraudulent use of a credit device
2 or debit device if [the person] **he or she** uses a credit device or debit device for the purpose of
3 obtaining services or property, knowing that:

- 4 (1) The device is stolen, fictitious or forged; or
- 5 (2) The device has been revoked or canceled; or
- 6 (3) For any other reason his **or her** use of the device is unauthorized; or
- 7 (4) Uses a credit device or debit device for the purpose of paying property taxes and
8 knowingly cancels [said] **such** charges or payment without just cause. It shall be prima facie
9 evidence of a violation of this section if a person cancels [said] **such** charges or payment after
10 obtaining a property tax receipt to obtain license tags from the Missouri department of revenue.

11 2. **The offense of** fraudulent use of a credit device or debit device is a class A
12 misdemeanor unless the value of the property tax or the value of the property or services
13 obtained or sought to be obtained within any thirty-day period is [five] **seven hundred fifty**
14 dollars or more, in which case fraudulent use of a credit device or debit device is a class [D] E
15 felony.

570.135. 1. [No person shall] **A person commits the offense of fraudulent**
2 **procurement of a credit or debit device if he or she:**

3 (1) Knowingly make or cause to be made, directly or indirectly, a false statement
4 regarding another person for the purpose of fraudulently procuring the issuance of a credit [card]
5 or debit [card].

6 2. No person shall willfully obtains personal identifying information] **device; or**

7 (2) **Knowingly obtains a means of identification** of another person without the
8 authorization of that person and [use] **uses** that [information] **means of identification**
9 fraudulently to obtain, or attempt to obtain, credit, goods or services in the name of the other
10 person without the consent of that person.

11 [3. Any person who violates the provisions of subsection 1 or 2 of this section is guilty
12 of a]

13 2. **The offense of fraudulent procurement of a credit or debit device is class A**
14 **misdemeanor.**

15 [4. As used in this section, "personal identifying information" means the name, address,
16 telephone number, driver's license number, Social Security number, place of employment,
17 employee identification number, mother's maiden name, demand deposit account number,
18 savings account number or credit card number of a person.

19 5.] **3.** Notwithstanding [subsections 1 to 4 of] **any other provision of** this section, no
20 corporation, proprietorship, partnership, limited liability company, limited liability partnership
21 or other business entity shall be liable under this section for accepting applications for credit
22 [cards] or debit [cards] **devices** or for the **use of a** credit [cards] or debit [cards] **device** in any
23 [credit or debit] transaction, absent clear and convincing evidence that such business entity
24 conspired with or was a part of the fraudulent procuring of the issuance of a credit [card] or debit
25 [card] **device**.

570.140. 1. A person commits the [crime] **offense** of deceptive business practice if in
2 the course of engaging in a business, occupation or profession, he **or she** recklessly:

3 (1) Uses or possesses for use a false weight or measure, or any other device for falsely
4 determining or recording any quality or quantity; or

5 (2) Sells, offers [or exposes] , displays for sale, or delivers less than the represented
6 quantity of any commodity or service; or

7 (3) Takes or attempts to take more than the represented quantity of any commodity or
8 service when as buyer he **or she** furnishes the weight or measure; or

9 (4) Sells, offers, or exposes for sale adulterated or mislabeled commodities; or

10 (5) Makes a false or misleading written statement for the purpose of obtaining property
11 or credit; **or**

12 (6) **Promotes the sale of property or services by a false or misleading statement in**
13 **any advertisement; or**

14 (7) **Advertises in any manner the sale of property or services with the purpose not**
15 **to sell or provide the property or services:**

16 (a) **At the price which he or she offered them; or**

17 (b) **In a quantity sufficient to meet the reasonably expected public demand, unless**
18 **the quantity is specifically stated in the advertisement; or**

19 (c) **At all.**

20 2. **The offense of** deceptive business practice is a class A misdemeanor.

570.145. 1. A person commits the [crime] **offense** of financial exploitation of an elderly
2 or disabled person if such person knowingly [by deception, intimidation, undue influence, or
3 force] obtains control over the elderly or disabled person's property with the intent to
4 permanently deprive the elderly or disabled person of the use, benefit or possession of his or her
5 property thereby benefitting [such person] **the offender** or detrimentally affecting the elderly or

6 disabled person[. Financial exploitation of an elderly or disabled person is a class A
7 misdemeanor if the value of the property is less than fifty dollars, a class D felony if the value
8 of the property is fifty dollars but less than five hundred dollars, a class C felony if the value of
9 the property is five hundred dollars but less than one thousand dollars, a class B felony if the
10 value of the property is one thousand dollars but less than fifty thousand dollars, and a class A
11 felony if the value of the property is fifty thousand dollars or more.

12 2. For purposes of this section, the following terms mean:

13 (1) "Deception", a misrepresentation or concealment of material fact relating to the terms
14 of a contract or agreement entered into with the elderly or disabled person or to the existing or
15 preexisting condition of any of the property involved in such contract or agreement, or the use
16 or employment of any misrepresentation, false pretense or false promise in order to induce,
17 encourage or solicit the elderly or disabled person to enter into a contract or agreement.
18 Deception includes:

19 (a) Creating or confirming another person's impression which is false and which the
20 offender does not believe to be true; or

21 (b) Failure to correct a false impression which the offender previously has created or
22 confirmed; or

23 (c) Preventing another person from acquiring information pertinent to the disposition of
24 the property involved; or

25 (d) Selling or otherwise transferring or encumbering property, failing to disclose a lien,
26 adverse claim or other legal impediment to the enjoyment of the property, whether such
27 impediment is or is not valid, or is or is not a matter of official record; or

28 (e) Promising performance which the offender does not intend to perform or knows will
29 not be performed. Failure to perform standing alone is not sufficient evidence to prove that the
30 offender did not intend to perform;

31 (2) "Disabled person", a person with a mental, physical, or developmental disability that
32 substantially impairs the person's ability to provide adequately for the person's care or protection;

33 (3) "Elderly person", a person sixty years of age or older;

34 (4) "Intimidation", a threat of physical or emotional harm to an elderly or disabled
35 person, or the communication to an elderly or disabled person that he or she will be deprived of
36 food and nutrition, shelter, prescribed medication, or medical care and treatment;

37 (5) "Undue influence", use of influence by someone who exercises authority over an
38 elderly person or disabled person in order to take unfair advantage of that persons's vulnerable
39 state of mind, neediness, pain, or agony. Undue influence includes, but is not limited to, the
40 improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other
41 fiduciary authority] **by:**

- 42 **(1) Deceit;**
43 **(2) Coercion;**
44 **(3) Creating or confirming another person's impression which is false and which**
45 **the offender does not believe to be true; or**
46 **(4) Failure to correct a false impression which the offender previously has created**
47 **or confirmed; or**
48 **(5) Preventing another person from acquiring information pertinent to the**
49 **disposition of the property involved; or**
50 **(6) Selling or otherwise transferring or encumbering property, failing to disclose**
51 **a lien, adverse claim or other legal impediment to the enjoyment of the property, whether**
52 **such impediment is or is not valid, or is or is not a matter of official record; or**
53 **(7) Promising performance which the offender does not intend to perform or knows**
54 **will not be performed. Failure to perform standing alone is not sufficient evidence to prove**
55 **that the offender did not intend to perform.**
56 **2. The offense of financial exploitation of an elderly or disabled person is a class A**
57 **misdemeanor unless:**
58 **(1) The value of the property is fifty dollars or more, in which case it is a class E**
59 **felony;**
60 **(2) The value of the property is seven hundred fifty dollars or more, in which case**
61 **it is a class D felony;**
62 **(3) The value of the property is five thousand dollars or more, in which case it is**
63 **a class C felony;**
64 **(4) The value of the property is twenty-five thousand dollars or more, in which case**
65 **it is a class B felony;**
66 **(5) The value of the property is seventy-five thousand dollars or more, in which**
67 **case it is a class A felony.**
68 **3. Nothing in this section shall be construed to limit the remedies available to the victim**
69 **pursuant to any state law relating to domestic violence.**
70 **4. Nothing in this section shall be construed to impose criminal liability on a person who**
71 **has made a good faith effort to assist the elderly or disabled person in the management of his or**
72 **her property, but through no fault of his or her own has been unable to provide such assistance.**
73 **5. Nothing in this section shall limit the ability to engage in bona fide estate planning,**
74 **to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that**
75 **such actions do not adversely impact the standard of living to which the elderly or disabled**
76 **person has become accustomed at the time of such actions.**

77 6. It shall not be a defense to financial exploitation of an elderly or disabled person that
78 the accused reasonably believed that the victim was not an elderly or disabled person.

79 7. (1) It shall be unlawful in violation of this section for any person receiving or in the
80 possession of funds of a Medicaid-eligible elderly or disabled person residing in a facility
81 licensed under chapter 198 to fail to remit to the facility in which the Medicaid-eligible person
82 resides all money owing the facility resident from any source, including, but not limited to,
83 Social Security, railroad retirement, or payments from any other source disclosed as resident
84 income contained in the records of the department of social services, family support division or
85 its successor. The department of social services, family support division or its successor is
86 authorized to release information from its records containing the resident's income or assets to
87 any prosecuting or circuit attorney in the state of Missouri for purposes of investigating or
88 prosecuting any suspected violation of this section.

89 (2) The prosecuting or circuit attorney of any county containing a facility licensed under
90 chapter 198, who successfully prosecutes a violation of the provisions of this subsection, may
91 request the circuit court of the county in which the offender admits to or is found guilty of a
92 violation, as a condition of sentence and/or probation, to order restitution of all amounts
93 unlawfully withheld from a facility in his or her county. Any order of restitution entered by the
94 court or by agreement shall provide that ten percent of any restitution installment or payment
95 paid by or on behalf of the defendant or defendants shall be paid to the prosecuting or circuit
96 attorney of the county successfully prosecuting the violation to compensate for the cost of
97 prosecution with the remaining amount to be paid to the facility.

570.150. 1. A person commits the [crime] **offense** of commercial bribery **if he or she**:

2 (1) [If he] Solicits, accepts or agrees to accept any benefit as consideration for knowingly
3 violating or agreeing to violate a duty of fidelity [to] , which he **or she** is subject to as:

- 4 (a) **An** agent or employee of another;
5 (b) **A** trustee, guardian or other fiduciary;
6 (c) **A** lawyer, physician, accountant, appraiser or other professional adviser or informant;
7 (d) **An** officer, director, partner, manager or other participant in the direction of the
8 affairs of an incorporated or unincorporated association; or
9 (e) **An** arbitrator or other purportedly disinterested adjudicator or referee;

10 (2) [If] As a person who holds himself **or herself** out to the public as being engaged in
11 the business of making disinterested selection, appraisal or criticism of commodities or services,
12 [he] solicits, accepts or agrees to accept any benefit to influence his **or her** selection, appraisal
13 or criticism;

14 (3) [If he] Confers or offers or agrees to confer any benefit the acceptance of which
15 would be criminal under subdivisions (1) and (2) of this section.

16 2. **The offense of** commercial bribery is a class A misdemeanor.

570.180. 1. A person commits the [crime] **offense** of defrauding secured creditors if he
2 **or she** destroys, removes, conceals, encumbers, transfers or otherwise deals with property subject
3 to a security interest with purpose to defraud the holder of the security interest.

4 2. **The offense of** defrauding secured creditors is a class A misdemeanor unless the
5 amount remaining to be paid on the secured debt, including interest, is [five] **seven** hundred **fifty**
6 dollars or more, in which case defrauding secured creditors is a class [D] **E** felony.

570.217. 1. A person commits the [crime] **offense** of misapplication of funds of a
2 financial institution if, being an officer, director, agent, or employee of, or connected in any
3 capacity with, any [bank, trust company, savings and loan association, or credit union] **financial**
4 **institution**, he **or she** embezzles, [abstracts, purloins] **appropriates**, or [willfully] **purposely**
5 misapplies any of the money, funds, or credits of such **financial** institution or any moneys, funds,
6 assets, or securities entrusted to the custody or care of such **financial** institution, or to the
7 custody or care of any such agent, officer, director, employee, or receiver.

8 2. **The offense of** misapplication of funds of a financial institution is a class [C] **E**
9 felony, [but if] **unless** the amount embezzled, [abstracted, purloined] **appropriated**, or
10 misapplied [does not exceed one thousand dollars,] **is seven hundred fifty dollars or more, in**
11 **which case** it is a class D felony.

570.219. 1. A person commits the [crime] **offense** of making false entries in the records
2 of a financial institution if he **or she** makes any false entry in any book, report, or statement of
3 a [bank, trust company, savings and loan association, or credit union] **financial institution** with
4 intent to injure or defraud such [bank, trust company, savings and loan association, or credit
5 union] **financial institution**, or any other [company, body politic or corporate, or any individual
6 person] **entity**, or with intent to deceive any officer or director of [such bank, trust company,
7 savings and loan association, or credit union,] **a financial institution** or any agent or examiner
8 appointed to examine the affairs of such [bank, trust company, savings and loan association, or
9 credit union] **financial institution**.

10 2. **The offense of** making false entries in the records of a financial institution is a class
11 [C] **D** felony.

570.220. 1. A person commits the [crime] **offense** of check kiting if he[, pursuant to a
2 scheme or artifice] **or she, with intent** to defraud, obtains money from a financial institution by
3 drawing a check against an account in which there [are] **is** not sufficient collected funds to pay
4 the check and, [as part of the scheme or artifice,] he **or she** purports to cover that check by
5 depositing in such account another check drawn against insufficient collected funds.

6 2. For purposes of this section, the term ["financial institution" shall mean a bank, trust
7 company, savings and loan association, or credit union; "check" shall include any check, draft,

8 negotiable order of withdrawal, or similar instrument used to transfer or withdraw funds held in
9 a deposit account at a financial institution; and the term] "collected funds" [shall mean] **means**
10 that portion of a deposit account representing checks and other credits as to which the depository
11 has directly and affirmatively verified that final payment has been made or, in the alternative,
12 with respect to checks as to which at least ten business days have elapsed, without return of the
13 checks, since presentation for payment.

14 3. **The offense of** check kiting is a class [C] E felony.

570.223. 1. A person commits the [crime] **offense** of identity theft if he or she
2 knowingly and with the intent to deceive or defraud obtains, possesses, transfers, uses, or
3 attempts to obtain, transfer or use, one or more means of identification not lawfully issued for
4 his or her use.

5 2. [The term "means of identification" as used in this section includes, but is not limited
6 to, the following:

- 7 (1) Social Security numbers;
- 8 (2) Drivers license numbers;
- 9 (3) Checking account numbers;
- 10 (4) Savings account numbers;
- 11 (5) Credit card numbers;
- 12 (6) Debit card numbers;
- 13 (7) Personal identification (PIN) code;
- 14 (8) Electronic identification numbers;
- 15 (9) Digital signatures;
- 16 (10) Any other numbers or information that can be used to access a person's financial
17 resources;
- 18 (11) Biometric data;
- 19 (12) Fingerprints;
- 20 (13) Passwords;
- 21 (14) Parent's legal surname prior to marriage;
- 22 (15) Passports; or
- 23 (16) Birth certificates.

24 3. A person found guilty of identity theft shall be punished as follows:

25 (1) Identity theft or attempted identity theft which does not result in the theft or
26 appropriation of credit, money, goods, services, or other property] **The offense of identity theft**
27 is a class B misdemeanor[;

28 (2) Identity theft which results in the theft or appropriation of credit, money, goods,
29 services, or other property] **unless the identity theft results in the theft or appropriation of**
30 **credit, money, goods, services, or other property:**

31 (1) Not exceeding [five] **seven** hundred **fifty** dollars in value, **in which case it** is a class
32 A misdemeanor;

33 [(3) Identity theft which results in the theft or appropriation of credit, money, goods,
34 services, or other property]

35 (2) Exceeding [five] **seven** hundred **fifty** dollars and not exceeding [five] **twenty-five**
36 thousand dollars in value, **in which case it** is a class [C] **D** felony;

37 [(4) Identity theft which results in the theft or appropriation of credit, money, goods,
38 services, or other property]

39 (3) Exceeding [five] **twenty-five** thousand dollars and not exceeding [fifty] **seventy-five**
40 thousand dollars in value, **in which case** is a class [B] **C** felony;

41 [(5) Identity theft which results in the theft or appropriation of credit, money, goods,
42 services, or other property]

43 (4) Exceeding [fifty] **seventy-five** thousand dollars in value, **in which case it** is a class
44 [A] **B** felony.

45 [4.] **3.** In addition to the provisions of subsection [3] **2** of this section, the court may
46 order that the defendant make restitution to any victim of the offense. Restitution may include
47 payment for any costs, including attorney fees, incurred by the victim:

48 (1) In clearing the credit history or credit rating of the victim; and

49 (2) In connection with any civil or administrative proceeding to satisfy any debt, lien,
50 or other obligation of the victim arising from the actions of the defendant.

51 [5.] **4.** In addition to the criminal penalties in subsections [3] **2** and [4] **3** of this section,
52 any person who commits an act made unlawful by subsection 1 of this section shall be liable to
53 the person to whom the identifying information belonged for civil damages of up to five
54 thousand dollars for each incident, or three times the amount of actual damages, whichever
55 amount is greater. A person damaged as set forth in subsection 1 of this section may also
56 institute a civil action to enjoin and restrain future acts that would constitute a violation of
57 subsection 1 of this section. The court, in an action brought under this subsection, may award
58 reasonable attorneys' fees to the plaintiff.

59 [6.] **5.** If the identifying information of a deceased person is used in a manner made
60 unlawful by subsection 1 of this section, the deceased person's estate shall have the right to
61 recover damages pursuant to subsection [5] **4** of this section.

62 [7.] 6. Civil actions under this section must be brought within five years from the date
63 on which the identity of the wrongdoer was discovered or reasonably should have been
64 discovered.

65 [8.] 7. Civil action pursuant to this section does not depend on whether a criminal
66 prosecution has been or will be instituted for the acts that are the subject of the civil action. The
67 rights and remedies provided by this section are in addition to any other rights and remedies
68 provided by law.

69 [9.] 8. This section and section 570.224 shall not apply to the following activities:

70 (1) A person obtains the identity of another person to misrepresent his or her age for the
71 sole purpose of obtaining alcoholic beverages, tobacco, going to a gaming establishment, or
72 another privilege denied to minors[. Nothing in this subdivision shall affect the provisions of
73 subsection 10 of this section];

74 (2) A person obtains means of identification or information in the course of a bona fide
75 consumer or commercial transaction;

76 (3) A person exercises, in good faith, a security interest or right of offset by a creditor
77 or financial institution;

78 (4) A person complies, in good faith, with any warrant, court order, levy, garnishment,
79 attachment, or other judicial or administrative order, decree, or directive, when any party is
80 required to do so;

81 (5) A person is otherwise authorized by law to engage in the conduct that is the subject
82 of the prosecution.

83 [10. Any person who obtains, transfers, or uses any means of identification for the
84 purpose of manufacturing and providing or selling a false identification card to a person under
85 the age of twenty-one for the purpose of purchasing or obtaining alcohol shall be guilty of a class
86 A misdemeanor.

87 11.] 9. Notwithstanding the provisions of subdivision (1) or (2) of subsection [3] 2 of
88 this section, every person who has previously [pled guilty to or] been found guilty of identity
89 theft or attempted identity theft, and who subsequently [pleads guilty to or] is found guilty of
90 identity theft or attempted identity theft of credit, money, goods, services, or other property not
91 exceeding [five hundred] **seven hundred fifty** dollars in value is guilty of a class [D] **E** felony
92 and shall be punished accordingly.

93 [12. The value of property or services is its highest value by any reasonable standard at
94 the time the identity theft is committed. Any reasonable standard includes, but is not limited to,
95 market value within the community, actual value, or replacement value.

96 13.] 10. If credit, property, or services are obtained by two or more acts from the same
97 person or location, or from different persons by two or more acts which occur in approximately

98 the same location or time period so that the identity thefts are attributable to a single scheme,
99 plan, or conspiracy, the acts may be considered as a single identity theft and the value may be
100 the total value of all credit, property, and services involved.

570.224. 1. A person commits the [crime] **offense** of trafficking in stolen identities
2 [when such person] **if he or she, for the purpose of committing identity theft**, manufactures,
3 sells, transfers, [purchases,] or possesses[, with intent to sell or transfer means of identification
4 [as defined in subsection 2 of section 570.223, for the purpose of committing identity theft].

5 2. Possession of five or more means of identification of the same person or possession
6 of means of identification of five or more separate persons shall be evidence that the identities
7 are possessed with intent to manufacture, sell, or transfer means of identification for the purpose
8 of committing identity theft. In determining possession of five or more means of identification
9 of the same person, or possession of means of identification of five or more separate persons for
10 the purposes of evidence pursuant to this subsection, the following do not apply:

11 (1) The possession of his or her own identification documents;

12 (2) The possession of the identification documents of a person who has consented to the
13 person at issue possessing his or her identification documents.

14 3. **The offense of** trafficking in stolen identities is a class B felony.

570.225. [No] 1. A person [shall] **commits the offense of misappropriation of**
2 **intellectual property if he or she**, without the consent of the owner[, transfer or cause to be
3 transferred] :

4 (1) **Copies** any sounds recorded on [a phonograph record, disc, wire, tape, film,
5 videocassette or other article or] **any** medium now known or later developed on which sounds
6 are recorded, with the [intent] **purpose** to sell or cause to be sold for profit or used to promote
7 the sale of any article on which sounds are [so] transferred, except that this section shall only
8 apply to sound recordings initially fixed prior to February 15, 1972; **or**

9 (2) **Records sounds or images of any performance whether live before an audience**
10 **or transmitted by wire or through the air by radio or television, with the intent to sell the**
11 **performance or cause it to be sold for profit; or**

12 (3) **Offers for sale, or sells or processes for such purposes any article that has been**
13 **produced in violation of subdivision (1) or (2) of subsection 1 of this section, knowing, or**
14 **having reasonable grounds to know, that the sounds or images thereon have been so copied**
15 **or recorded without the consent of the owner; or**

16 (4) **Advertises, rents, sells, offers for rental or sale, or possesses for such purposes**
17 **any medium now known or later developed on which sounds or images are recorded if the**
18 **article's label, cover, box or jacket does not contain in clearly readable print the name and**
19 **address of the manufacturer.**

20 **2. This section shall not apply to:**

21 **(1) Any radio or television broadcaster who transfers any such sounds as part of,**
22 **or in connection with, a radio or television broadcast transmission or for archival**
23 **preservation;**

24 **(2) Any person transferring any such sounds at home for his or her personal use**
25 **without any compensation being derived by such person or any other person from such**
26 **transfer;**

27 **(3) Any cable television company that transfers any such sounds as part of its**
28 **regular cable television service.**

29 **3. The offense of misappropriation of intellectual property is a class A**
30 **misdemeanor unless:**

31 **(1) One hundred or more articles were involved; or**

32 **(2) A person is found guilty of violating this section, and that person has previously**
33 **been found guilty of a violation of this section;**

34
35 **in which case it is a class D felony.**

36 **4. As used in this section, the following terms mean:**

37 **(1) "Audiovisual works", works that consist of a series of related images which are**
38 **intrinsically intended to be shown by the use of machines, electronic equipment or other**
39 **devices, now known or later developed, together with accompanying sounds, if any;**

40 **(2) "Manufacturer", the person who transfers or causes to be transferred any**
41 **sounds or images to the particular article, medium, recording or other physical**
42 **embodiment of such sounds or images then in issue;**

43 **(3) "Motion pictures", audiovisual works consisting of a series of related images**
44 **which, when shown in succession, impart an impression of motion, together with**
45 **accompanying sounds, if any;**

46 **(4) "Owner", the person who owns the sounds of any performance not yet fixed in**
47 **a medium of expression, or the original fixation of sounds embodied in the master device**
48 **or medium now known or later developed for the use of reproducing sounds, or other**
49 **articles or media upon which sound is or may be recorded, and from which the copied**
50 **recorded sounds are directly or indirectly derived;**

51 **(5) "Person", any natural person, corporation or other business entity.**

570.300. 1. A person commits the [crime] offense of **facilitating the theft of cable**
2 **television service if he[**

3 (1) Knowingly obtains or attempts to obtain cable television service without paying all
4 lawful compensation to the operator of such service, by means of artifice, trick, deception or
5 device; or

6 (2) Knowingly assists another person in obtaining or attempting to obtain cable
7 television service without paying all lawful compensation to the operator of such service; or

8 (3) Knowingly connects to, tampers with or otherwise interferes with any cables, wires
9 or other devices used for the distribution of cable television if the effect of such action is to
10 obtain cable television without paying all lawful compensation therefor; or

11 (4) Knowingly sells, uses, manufactures, rents or offers for sale, rental or use any device,
12 plan or kit designed and intended to obtain cable television service in violation of this section;
13 or

14 (5) Knowingly attempts to connect to, tamper with, or otherwise interfere with any cable
15 television signal, cables, wires, devices, or equipment, which is used for the distribution of cable
16 television and which results in the unauthorized use of a cable television system or the disruption
17 of the delivery of the cable television service. Nothing in this section shall be construed to
18 prohibit, restrict, or otherwise limit the purchase, sale, or use of any products, including without
19 limitation hardware, software, or other items, intended to provide services and features to a
20 customer who has lawfully obtained a connection from a cable company] **or she knowingly**
21 **sells, uses, manufactures, rents, or offers for sale, rental, or use any device, plan, or kit**
22 **designed and intended to obtain cable television without paying all lawful compensation**
23 **to the operator of such service.**

24 2. **The offense of facilitating** theft of cable television service is a class [C] **D** felony[
25 if the value of the service appropriated is five hundred dollars or more or if the theft is a violation
26 of subdivision (5) of subsection 1 of this section, otherwise theft of cable television services is
27 a class A misdemeanor.

28 3. Any cable television operator may bring an action to enjoin and restrain any violation
29 of the provisions of this section or bring an action for conversion. In addition to any actual
30 damages, an operator may be entitled to punitive damages and reasonable attorney fees in any
31 case in which the court finds that the violation was committed willfully and for purposes of
32 commercial advantage. In the event of a defendant's verdict the defendant may be entitled to
33 reasonable attorney fees.

34 4. The existence on the property and in the actual possession of the accused of any
35 connection wire, or conductor, which is connected in such a manner as to permit the use of cable
36 television service without the same being reported for payment to and specifically authorized by
37 the operator of the cable television service shall be sufficient to support an inference which the

38 trial court may submit to the trier of fact, from which the trier of fact may conclude that the
39 accused has committed the crime of theft of cable television service.

40 5. If a cable television company either:

41 (1) Provides unsolicited cable television service; or

42 (2) Fails to change or disconnect cable television service within ten days after receiving
43 written notice to do so by the customer, the customer may deem such service to be a gift without
44 any obligation to the cable television company from ten days after such written notice is received
45 until the service is changed or disconnected].

46 [6.] 3. Nothing in this section shall be construed to render unlawful or prohibit an
47 individual or other legal entity from owning or operating a video cassette recorder or devices
48 commonly known as a satellite receiving dish for the purpose of receiving and utilizing
49 satellite-relayed television signals for his **or her** own use.

50 [7. As used in this section, the term "cable television service" includes microwave
51 television transmission from a multipoint distribution service not capable of reception by
52 conventional television receivers without the use of special equipment.]

[578.500.] **570.302.** 1. [Any] A person **commits the offense of operating an**
2 **audiovisual recording device in a motion picture theater if he or she**, while a motion picture
3 is being exhibited, [who] knowingly operates an audiovisual recording function of a device in
4 a motion picture theater without the consent of the owner or lessee of the motion picture theater
5 [shall be guilty of criminal use of real property].

6 2. As used in this section, the term "audiovisual recording function" means the capability
7 of a device to record or transmit a motion picture or any part thereof by means of any technology
8 now known or later developed.

9 3. As used in this section, the term "motion picture theater" means a movie theater,
10 screening room, or other venue that is being utilized primarily for the exhibition of a motion
11 picture at the time of the offense, but excluding the lobby, entrance, or other areas of the building
12 where a motion picture cannot be viewed.

13 4. The provisions of this section shall not prevent any lawfully authorized investigative,
14 law enforcement protective, or intelligence-gathering employee or agent, of the state or federal
15 government, from operating any audiovisual recording device in any facility where a motion
16 picture is being exhibited, as part of lawfully authorized investigative, protective, law
17 enforcement, or intelligence-gathering activities. The owner or lessee of a facility where a
18 motion picture is being exhibited, or the authorized agent or employee of such owner or lessee,
19 who alerts law enforcement authorities of an alleged violation of this section shall not be liable
20 in any civil action arising out of measures taken by such owner, lessee, agent, or employee in the
21 course of subsequently detaining a person that the owner, lessee, agent, or employee in good faith

22 believed to have violated this section while awaiting the arrival of law enforcement authorities,
23 unless the plaintiff can show by clear and convincing evidence that such measures were
24 unreasonable or the period of detention was unreasonably long.

25 5. [Any person who has pled guilty to or been found guilty of violating the provisions
26 of this section shall be guilty of] **The offense of operating an audiovisual recording device**
27 **in a motion picture theater is** a class A misdemeanor, unless the person has previously [pled
28 guilty or] been found guilty of violating the provisions of this section, in which case it is a class
29 [D] E felony.

570.310. 1. [It is unlawful for] A person **commits the offense of mortgage fraud if he**
2 **or she**, in connection with the application for or procurement of a loan secured by real estate [to]
3 , willfully:

4 (1) [Employ] **Employs** a device, scheme, or artifice to defraud;

5 (2) [Make] **Makes** an untrue statement of a material fact or [to omit] **omits** to state a
6 material fact necessary in order to make the statement made, in the light of the circumstances
7 under which it is made, not misleading;

8 (3) [Receive] **Receives** any portion of the purchase, sale, or loan proceeds, or any other
9 consideration paid or generated in connection with a real estate closing that such person knew
10 involved a violation of this section; or

11 (4) [Influence] **Influences**, through extortion or bribery, the development, reporting,
12 result, or review of a real estate appraisal, except that this subsection does not prohibit a
13 mortgage lender, mortgage broker, mortgage banker, real estate licensee, or other person from
14 asking the appraiser to do one or more of the following:

15 (a) Consider additional property information;

16 (b) Provide further detail, substantiation, or explanation for the appraiser's value
17 conclusion; or

18 (c) Correct errors in the appraisal report in compliance with the Uniform Standards of
19 Professional Appraisal Practice.

20 2. [Such acts shall be deemed to constitute mortgage fraud.

21 3.] **The offense of** mortgage fraud is a class [C] **D** felony.

22 [4.] **3.** Each transaction in violation of this section shall constitute a separate offense.

23 [5.] **4.** Venue over any dispute relating to mortgage fraud or a conspiracy or endeavor
24 to engage in or participate in a pattern of mortgage fraud shall be:

25 (1) In the county in which the real estate is located;

26 (2) In the county in which any act was performed in furtherance of mortgage fraud;

27 (3) In any county in which any person alleged to have violated this section had control
28 or possession of any proceeds from mortgage fraud;

- 29 (4) In any county in which a related real estate closing occurred; or
30 (5) In any county in which any document related to a mortgage fraud is filed with the
31 recorder of deeds.
- 32 [6. Prosecution under the provisions of this section shall not preclude:
33 (1) The power of this state to punish a person for conduct that constitutes a crime under
34 other laws of this state;
35 (2) A civil action by any person;
36 (3) Administrative or disciplinary action by the state or the United States or by any
37 agency of the state or the United States;
38 (4) A civil forfeiture action; or
39 (5) An action under chapter 407.]

40 **5. The punishment imposed under this section shall be in addition to any**
41 **punishment provided by law for the offense.**

[578.510.] **570.350.** 1. This section shall be known and may be cited as the "Stolen
2 Valor Act of 2007".

3 2. Any person who, with the intent to misrepresent himself or herself as a veteran or
4 medal recipient, knowingly wears, purchases, attempts to purchase, solicits for purchase, mails,
5 ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts
6 to sell, advertises for sale, trades, barter, or exchanges for anything of value any decoration or
7 medal authorized under chapter 41, or by the Congress for the armed forces of the United States,
8 or any of the service medals or badges awarded to the members of such forces, or the ribbon,
9 button, or rosette of any such badge, decoration, or medal, or any colorable imitation thereof,
10 except when authorized under regulations promulgated under law, is guilty of a class A
11 misdemeanor. Any second or subsequent violation of this subsection is a class [D] E felony.

12 3. Any person who misrepresents himself or herself, verbally or in writing, to have been
13 awarded any decoration or medal authorized under chapter 41, or by Congress for the armed
14 forces of the United States, any of the service medals or badges awarded to the members of such
15 forces, the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable
16 imitation of such item is guilty of a class A misdemeanor. Any second or subsequent violation
17 of this subsection is a class [D] E felony.

18 4. Any person who fraudulently uses the title of "veteran", as defined by the United
19 States Department of Veterans Affairs or its successor agency, in order to obtain personal
20 benefit, monetary or otherwise, and such person does not have verifiable proof of his or her
21 status as a veteran is guilty of a class A misdemeanor. Any second or subsequent violation of
22 this subsection is a class [D] E felony.

23 5. If a decoration or medal involved in an offense described in subsections 2 to 4 of this
24 section is a distinguished-service cross awarded under Section 3742 of Title 10 of the United
25 States Code, a Navy Cross awarded under Section 6242 of Title 10 of the United States Code,
26 an Air Force Cross awarded under Section 8742 of Section 10 of the United States Code, a Silver
27 Star awarded under Section 3742, 6244, or 8746 of Title 10 of the United States Code, a Purple
28 Heart awarded under Section 1129 of Title 10 of the United States Code, or any replacement or
29 duplicate medal for such medal as authorized by law, in lieu of the penalty provided in
30 subsection 2, 3, or 4 of this section, the offender is guilty of a class [D] E felony.

31 6. If a decoration or medal involved in an offense described in subsections 2 to 4 of this
32 section is the Medal of Honor awarded under Section 1560 of Title 38 of the United States Code,
33 the offender is guilty of a class [C] D felony.

 [578.570.] **570.375.** [Any] 1. A person [who] **commits the offense of fraud or**
2 **deception in obtaining an instruction permit, driver's license or nondriver's license if he**
3 **or she:**

4 (1) [Knowing] **Knowingly** or in reckless disregard of the truth, assists any person in
5 committing fraud or deception during the examination process for an instruction permit, driver's
6 license, or nondriver's license; **or**

7 (2) [Knowing] **Knowingly** or in reckless disregard of the truth, assists any person in
8 [making application] **applying** for an instruction permit, driver's license, or nondriver's license
9 that contains or is substantiated with false or fraudulent information or documentation; **or**

10 (3) [Knowing] **Knowingly** or in reckless disregard of the truth, assists any person in
11 concealing a material fact or otherwise committing a fraud in an application for an instruction
12 permit, driver's license, or nondriver's license; **or**

13 (4) Engages in any conspiracy to commit any of the preceding acts or aids or abets the
14 commission of any of the preceding acts[;] .

15 **2. The offense of fraud or deception in obtaining an instruction permit, driver's**
16 **license, or nondriver's license** is [guilty of] a class A misdemeanor.

 570.380. [Any] 1. A person [who] **commits the offense of manufacture or possession**
2 **of five or more fake IDs if he or she** manufactures or possesses five or more fictitious or forged
3 means of identification, as defined in section [570.223] **570.010**, with the intent to distribute to
4 others for the purpose of committing [a crime shall be guilty of a class C felony] **an offense.**

5 **2. The offense of manufacture or possession of five or more fake IDs is a class D**
6 **felony.**

 [578.377.] **570.400.** 1. A person commits the [crime] **offense** of unlawfully receiving
2 food stamp coupons or ATP cards if he **or she** knowingly receives or uses the proceeds of food

3 stamp coupons or ATP cards to which he **or she** is not lawfully entitled or for which he has not
4 applied and been approved by the department to receive.

5 2. **The offense of** unlawfully receiving food stamp coupons or ATP cards is a class [D
6 felony unless the face value of the food stamp coupon or ATP cards is less than five hundred
7 dollars, in which case unlawful receiving of food stamp coupons and ATP cards is a class] A
8 misdemeanor, **unless the face value of the food stamp coupons or ATP cards is seven**
9 **hundred fifty dollars or more, in which case it is a class E felony, or the person has**
10 **previously been found guilty of two violations under sections 570.400 to 570.410, in which**
11 **case it is a class D felony.**

[578.379.] **570.402.** 1. A person commits the [crime] **offense** of conversion of food
2 stamp coupons or ATP cards if he **or she** knowingly engages in any transaction to convert food
3 stamp coupons or ATP cards to other property contrary to statutes, rules and regulations, either
4 state or federal, governing the food stamp program.

5 2. **The offense of** unlawful conversion of food stamp coupons or ATP cards is a class
6 [D felony unless the face value of said food stamp coupons or ATP cards is less than five
7 hundred dollars, in which case unlawful conversion of food stamp coupons or ATP cards is a
8 class] A misdemeanor, **unless the face value of the food stamp coupons or ATP cards is**
9 **seven hundred fifty dollars or more, in which case it is a class E felony, or the person has**
10 **previously been found guilty of two violations under sections 570.400 to 570.410, in which**
11 **case it is a class D felony.**

[578.381.] **570.404.** 1. A person commits the [crime] **offense** of unlawful transfer of
2 food stamp coupons or ATP cards if he **or she** knowingly transfers food stamp coupons or ATP
3 cards to another not lawfully entitled or approved by the department **of social services** to receive
4 the food stamp coupons or ATP cards.

5 2. **The offense of** unlawful transfer of food stamp coupons or ATP cards is a class [D
6 felony unless the face value of said food stamp coupons or ATP cards is less than five hundred
7 dollars, in which case unlawful transfer of food stamp coupons or ATP cards is a class] A
8 misdemeanor, **unless the face value of the food stamp coupons or ATP cards is seven**
9 **hundred fifty dollars or more, in which case it is a class E felony, or the person previously**
10 **been found guilty of two violations under sections 570.400 to 570.410, in which case it is a**
11 **class D felony.**

[578.383.] **570.406.** The face value of all food stamp coupons or ATP cards stolen,
2 possessed, transferred or converted from one scheme or course of conduct, whether from one or
3 several rightful possessors, or at the same or different times shall constitute a single criminal
4 episode and their face values may be aggregated in determining the grade of offense.

[578.385.] **570.408.** 1. A person commits the [crime] **offense** of perjury for the purpose of [this section] **obtaining public assistance** if he **or she** knowingly makes a false or misleading statement or misrepresents a fact material for the purpose of obtaining public assistance if the false or misleading statement is reduced to writing and verified by the signature of the person making the statement and by the signature of any employee of the Missouri department of social services. The same person may not be charged with unlawfully receiving public assistance benefits and perjury pursuant to this section when both offenses arise from the same application for benefits.

2. A statement or fact is material, regardless of its admissibility under rules of evidence, if it could substantially affect or did substantially affect the granting of public assistance.

3. Knowledge of the materiality of the statement or fact is not an element of this [crime] **offense**, and it is no defense that:

(1) The [defendant] **person** mistakenly believed the fact to be immaterial; or

(2) The [defendant] **person** was not competent, for reasons other than mental disability, to make the statement.

4. [Perjury committed as part of a transaction involving the making of an application to obtain public assistance is a class D felony unless the value of the public assistance unlawfully obtained or unlawfully attempted to be obtained is less than five hundred dollars in which case it is a class A misdemeanor] **The offense of perjury for the purpose of obtaining public assistance is a class A misdemeanor, unless the value of the public assistance unlawfully obtained or unlawfully attempted to be obtained is seven hundred fifty dollars or more, in which case it is a class E felony, or the person has previously been found guilty of two violations under sections 570.400 to 570.410, in which case it is a class D felony.**

[578.387.] **570.410.** 1. For the purpose of any investigation or proceeding relating to public assistance unlawfully received or an application for public assistance unlawfully tendered, the director of the department **of social services** or any officer designated by him [and/or] **or her** or the attorney general for the state of Missouri or any officer designated by him **or her** may administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony, require answers to written interrogatories and require production of any books, papers, correspondence, memoranda, agreements or other documents or records which the director of the department [and/or] **or** the attorney general deem relevant and material to the inquiry.

2. In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the circuit court of any county of the state or the city of St. Louis, upon application by the department director [and/or] **or** the attorney general may issue to the person an order requiring him **or her** to appear before the department director[,], or the officer designated by him **or her**, [and/or] **or** the attorney general[,], or the officer designated by him **or her**, there to produce

14 documentary evidence if so ordered or to give testimony or answer interrogatories touching the
15 matter under investigation or in question in accordance with the forms and procedures otherwise
16 authorized by the Rules of Civil Procedure. Failure to obey the order of the court may be
17 punished by the court as a contempt of court.

18 3. Information or documents obtained under this section by the director of the
19 department [and/or] **or** the attorney general shall not be disclosed except in the course of civil
20 or criminal litigation or to another prosecutorial or investigative agency, or to the divisions of
21 the department.

22 4. [Anyone improperly disclosing information obtained] **The offense of improper**
23 **disclosure** under this section is [guilty of] a class A misdemeanor.

24 5. The provisions of this section do not repeal existing provisions of law and shall be
25 construed as supplementary thereto.

571.010. As used in this chapter, the following terms shall mean:

2 (1) **"Ammunition", any cartridge, shell, or projectile designed for use in a firearm;**

3 (2) **"Antique, curio or relic firearm", includes** any firearm so defined by the National
4 Gun Control Act, 18 U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of
5 Alcohol Tobacco and Firearms, 27 CFR Section 178.11:

6 (a) **"Antique firearm"** is any firearm not designed or redesigned for using rim fire or
7 conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said
8 ammunition not being manufactured any longer; this includes any matchlock, wheel lock,
9 flintlock, percussion cap or similar type ignition system, or replica thereof;

10 (b) **"Curio or relic firearm"** is any firearm deriving value as a collectible weapon due to
11 its unique design, ignition system, operation or at least fifty years [old] **of age**, associated with
12 a historical event, renown personage or major war;

13 [(2)] (3) **"Blackjack"**, any instrument that is designed or adapted for the purpose of
14 stunning or inflicting physical injury by striking a person, and which is readily capable of lethal
15 use;

16 [(3)] (4) **"Blasting agent"**, any material or mixture, consisting of fuel and oxidizer that
17 is intended for blasting, but not otherwise defined as an explosive under this section, provided
18 that the finished product, as mixed for use of shipment, cannot be detonated by means of a
19 numbered 8 test blasting cap when unconfined;

20 [(4)] (5) **"Concealable firearm"**, any firearm with a barrel less than sixteen inches in
21 length, measured from the face of the bolt or standing breech;

22 [(5)] **"Deface"**, to alter or destroy the manufacturer's or importer's serial number or any
23 other distinguishing number or identification mark;]

24 (6) "Detonator", any device containing a detonating charge that is used for initiating
25 detonation in an explosive, including but not limited to, electric blasting caps of instantaneous
26 and delay types, nonelectric blasting caps for use with safety fuse or shock tube and detonating
27 cord delay connectors;

28 (7) "Explosive weapon", any explosive, incendiary, or poison gas bomb or similar device
29 designed or adapted for the purpose of inflicting death, serious physical injury, or substantial
30 property damage; or any device designed or adapted for delivering or shooting such a weapon.
31 For the purposes of this subdivision, the term "explosive" shall mean any chemical compound
32 mixture or device, the primary or common purpose of which is to function by explosion,
33 including but not limited to, dynamite and other high explosives, pellet powder, initiating
34 explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or
35 blasting agents;

36 (8) "Firearm", any weapon that is designed or adapted to expel a projectile by the action
37 of an explosive;

38 (9) "Firearm silencer", any instrument, attachment, or appliance that is designed or
39 adapted to muffle the noise made by the firing of any firearm;

40 (10) "Gas gun", any gas ejection device, weapon, cartridge, container or contrivance
41 other than a gas bomb that is designed or adapted for the purpose of ejecting any poison gas that
42 will cause death or serious physical injury, but not any device that ejects a repellant or temporary
43 incapacitating substance;

44 (11) "Intoxicated", substantially impaired mental or physical capacity resulting from
45 introduction of any substance into the body;

46 (12) "Knife", any dagger, dirk, stiletto, or bladed hand instrument that is readily capable
47 of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this
48 chapter, "knife" does not include any ordinary pocketknife with no blade more than four inches
49 in length;

50 (13) "Knuckles", any instrument that consists of finger rings or guards made of a hard
51 substance that is designed or adapted for the purpose of inflicting serious physical injury or death
52 by striking a person with a fist enclosed in the knuckles;

53 (14) "Machine gun", any firearm that is capable of firing more than one shot
54 automatically, without manual reloading, by a single function of the trigger;

55 (15) "Projectile weapon", any bow, crossbow, pellet gun, slingshot or other weapon that
56 is not a firearm, which is capable of expelling a projectile that could inflict serious physical
57 injury or death by striking or piercing a person;

58 (16) "Rifle", any firearm designed or adapted to be fired from the shoulder and to use
59 the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore
60 by a single function of the trigger;

61 (17) "Short barrel", a barrel length of less than sixteen inches for a rifle and eighteen
62 inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall
63 rifle or shotgun length of less than twenty-six inches;

64 (18) "Shotgun", any firearm designed or adapted to be fired from the shoulder and to use
65 the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile
66 through a smooth bore barrel by a single function of the trigger;

67 (19) ["Spring gun", any fused, timed or nonmanually controlled trap or device designed
68 or adapted to set off an explosion for the purpose of inflicting serious physical injury or death;

69 (20)] "Switchblade knife", any knife which has a blade that folds or closes into the
70 handle or sheath, and:

71 (a) That opens automatically by pressure applied to a button or other device located on
72 the handle; or

73 (b) That opens or releases from the handle or sheath by the force of gravity or by the
74 application of centrifugal force.

571.014. 1. A person commits the [crime] **offense** of unlawful refusal to transfer by
2 denying **the** sale of a firearm to a nonlicensee, who is otherwise not prohibited from possessing
3 a firearm under state or federal law, solely on the basis that the nonlicensee purchased a firearm
4 that was later the subject of a trace request by law enforcement.

5 2. [Violation of subsection 1 of this section shall be] **The offense of unlawful refusal**
6 **to transfer by denying the sale of a firearm is** a class A misdemeanor.

7 3. Notwithstanding any other provision of law to the contrary, no [federal firearms]
8 dealer [licensed under 18 U.S.C. Section 923] who engages in the sale of firearms within this
9 state shall fail or refuse to complete the sale of a firearm to a customer in every case in which the
10 sale is authorized by federal law.

11 4. [The provisions of] This section shall not apply to any [individual federal firearms
12 license holder, his agents, or employees to the extent they chose in their] **firearms dealer who,**
13 **in his or her** individual judgment [to] , **chooses not to** complete the sale or transfer of a firearm
14 for articulable reasons specific to that transaction, so long as those reasons are not based on the
15 race, gender, religion, **or** creed of the buyer.

571.015. 1. Except as provided in subsection 4 of this section, any person who commits
2 any felony under the laws of this state by, with, or through the use, assistance, or aid of a
3 dangerous instrument or deadly weapon is also guilty of the [crime] **offense** of armed criminal
4 action and, upon conviction, shall be punished by imprisonment by the department of corrections

5 [and human resources] for a term of not less than three years. The punishment imposed pursuant
6 to this subsection shall be in addition to any punishment provided by law for the crime
7 committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly
8 weapon. No person convicted under this subsection shall be eligible for parole, probation,
9 conditional release or suspended imposition or execution of sentence for a period of three
10 calendar years.

11 2. Any person convicted of a second offense of armed criminal action shall be punished
12 by imprisonment by the department of corrections [and human resources] for a term of not less
13 than five years. The punishment imposed pursuant to this subsection shall be in addition to any
14 punishment provided by law for the [crime] **offense** committed by, with, or through the use,
15 assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this
16 subsection shall be eligible for parole, probation, conditional release or suspended imposition
17 or execution of sentence for a period of five calendar years.

18 3. Any person convicted of a third or subsequent offense of armed criminal action shall
19 be punished by imprisonment by the department of corrections [and human resources] for a term
20 of not less than ten years. The punishment imposed pursuant to this subsection shall be in
21 addition to any punishment provided by law for the [crime] **offense** committed by, with, or
22 through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person
23 convicted under this subsection shall be eligible for parole, probation, conditional release or
24 suspended imposition or execution of sentence for a period of ten calendar years.

25 4. The provisions of this section shall not apply to the felonies defined in [sections
26 564.590, 564.610, 564.620, 564.630, and 564.640] **this chapter**.

27 **5. Nothing contained in any other provisions of law, except as provided in**
28 **subsection 4 of this section, shall prevent imposition of sentences for both armed criminal**
29 **action and the crime committed by, with or through the use, assistance, or aid of a**
30 **dangerous instrument or deadly weapon.**

571.020. 1. A person commits [a crime] **the offense of unlawful possession,**
2 **manufacture, or sale of a weapon** if such person knowingly possesses, manufactures,
3 [transports, repairs,] or sells:

4 (1) An explosive weapon;

5 (2) An explosive, incendiary or poison substance or material with the purpose to possess,
6 manufacture or sell an explosive weapon;

7 (3) A gas gun;

8 (4) A bullet or projectile which explodes or detonates upon impact because of an
9 independent explosive charge after having been shot from a firearm; [or]

10 (5) Knuckles; or

11 (6) Any of the following in violation of federal law:

12 (a) A machine gun;

13 (b) A short-barreled rifle or shotgun;

14 (c) A firearm silencer; or

15 (d) A switchblade knife.

16 2. A person does not commit [a crime pursuant to] **an offense under** this section if his
17 **or her** conduct involved any of the items in subdivisions (1) to (5) of subsection 1 **of this**
18 **section**, the item was possessed in conformity with any applicable federal law, and the conduct:

19 (1) Was incident to the performance of official duty by the armed forces, national guard,
20 a governmental law enforcement agency, or a penal institution; or

21 (2) Was incident to engaging in a lawful commercial or business transaction with an
22 organization enumerated in subdivision (1) of this section; or

23 (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful
24 industrial or commercial enterprise; or

25 (4) Was incident to displaying the weapon in a public museum or exhibition; or

26 (5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic
27 performance.

28 3. [A crime pursuant to] **An offense under** subdivision (1), (2), (3) or (6) of subsection
29 1 of this section is a class [C] **D** felony; [a crime pursuant to] **an offense under** subdivision (4)
30 or (5) of subsection 1 of this section is a class A misdemeanor.

571.031. 1. A person commits the offense of carrying a concealed weapon if he or
2 **she knowingly carries concealed upon or about his or her person a knife, a firearm, a**
3 **blackjack or any other weapon readily capable of lethal use.**

4 **2. The offense of carrying a concealed weapon is a class E felony.**

5 **3. This section shall not apply to any person who:**

6 **(1) Has a valid concealed carry endorsement issued under sections 319.1025 to**
7 **319.1043 or a valid permit or endorsement to carry concealed firearms issued by another**
8 **state or political subdivision of another state; or**

9 **(2) Being twenty-one years of age or older, is transporting a concealable firearm**
10 **in the passenger compartment of a motor vehicle, so long as such concealable firearm is**
11 **otherwise lawfully possessed; or**

12 **(3) Is transporting weapons in a nonfunctioning state or in an unloaded state when**
13 **ammunition is not readily accessible or when such weapons are not readily accessible; or**

14 **(4) Is also in possession of an exposed firearm or projectile weapon for the lawful**
15 **pursuit of game; or**

16 (5) Is in his or her dwelling unit or upon premises over which the person has
17 possession, authority or control; or

18 (6) Is traveling in a continuous journey peaceably through this state.

19 4. No person found guilty of the offense of carrying a concealed weapon shall
20 receive a suspended imposition of sentence if such person has previously received a
21 suspended imposition of sentence for any other firearms or weapons-related felony offense.

 571.033. 1. A person commits the offense of unlawful discharge of a firearm in the
2 first degree if he or she knowingly discharges or shoots a firearm:

3 (1) At any person; or

4 (2) Into a dwelling house or habitable structure or a building used for the
5 assembling of people; or

6 (3) At or from a motor vehicle, as the term "motor vehicle" is defined in section
7 301.010, or at any other motor vehicle, railroad train, boat, aircraft, building, or habitable
8 structure.

9 2. The offense of unlawful discharge of a firearm in the first degree shall be
10 punished as follows:

11 (1) For a first violation a person shall be sentenced to the maximum authorized
12 term of imprisonment for a class B felony;

13 (2) For any violation by a prior offender as defined in section 558.016, a person
14 shall be sentenced to the maximum authorized term of imprisonment for a class B felony
15 without the possibility of parole, probation or conditional release for a term of ten years;

16 (3) For any violation by a persistent offender as defined in section 558.016, a person
17 shall be sentenced to the maximum authorized term of imprisonment for a class B felony
18 without the possibility of parole, probation, or conditional release;

19 (4) For any violation which results in injury or death to another person, a person
20 shall be sentenced to an authorized disposition for a class A felony.

21 3. No person found guilty of unlawful discharge of a firearm in the first degree
22 shall receive a suspended imposition of sentence if such person has previously received a
23 suspended imposition of sentence for any other firearms or weapons-related felony offense.

 571.034. 1. A person commits the offense of unlawful discharge of a firearm in the
2 second degree if he or she knowingly discharges or shoots a firearm at a mark, at any
3 object, or at random, on, along or across a public highway, or into any outbuilding, or
4 within one hundred yards of any occupied schoolhouse, courthouse, or church building.

5 2. The offense of unlawful discharge of a firearm in the second degree is a class B
6 misdemeanor.

7 **3. Nothing in this section shall make it unlawful for a student to actually participate**
8 **in school-sanctioned gun safety courses, student military or ROTC courses, or other**
9 **school-sponsored or club-sponsored firearm-related events, provided the student does not**
10 **carry a firearm or other weapon readily capable of lethal use into any school, onto any**
11 **school bus, or onto the premises of any other function or activity sponsored or sanctioned**
12 **by school officials or the district school board.**

13 **4. No person found guilty of unlawful discharge of a firearm in the second degree**
14 **shall receive a suspended imposition of sentence if such person has previously received a**
15 **suspended imposition of sentence for any other firearms or weapons-related felony offense.**

571.036. 1. A person commits the offense of brandishing a weapon if he or she, in
2 **the presence of one or more persons, exhibits any weapon readily capable of lethal use in**
3 **an angry or threatening manner.**

4 **2. The offense of brandishing a weapon is a class E felony.**

5 **3. No person found guilty of brandishing a weapon shall receive a suspended**
6 **imposition of sentence if such person has previously received a suspended imposition of**
7 **sentence for any other firearms or weapons-related felony offense.**

571.038. 1. A person commits the offense of possession of a weapon in a prohibited
2 **place if he or she knowingly:**

3 **(1) Carries a firearm, whether loaded or unloaded, or any other weapon readily**
4 **capable of lethal use into any school, onto any school bus, or onto the premises of any**
5 **function or activity sponsored or sanctioned by school officials or the district school board;**
6 **or**

7 **(2) Carries a firearm or any other weapon readily capable of lethal use into any**
8 **church or place where people have assembled for worship, or into any election precinct on**
9 **any election day, or into any building owned or occupied by any agency of the federal**
10 **government, state government, or political subdivision thereof.**

11 **2. The offense of possession of a weapon in a prohibited place shall be punished as**
12 **follows:**

13 **(1) Violation of subdivision (1) of subsection 1 of this section is a class A**
14 **misdemeanor, unless committed with a loaded firearm, in which case it is a class E felony;**

15 **(2) Violation of subdivision (2) of subsection 1 of this section is a class B**
16 **misdemeanor.**

17 **3. This section shall not apply to any person who:**

18 **(1) Has a valid concealed carry endorsement issued under sections 319.1025 to**
19 **319.1043 or a valid permit or endorsement to carry concealed firearms issued by another**
20 **state or political subdivision of another state; or**

21 (2) Otherwise lawfully possesses a firearm while traversing school premises for the
22 purposes of transporting a student to or from school, or is an adult who lawfully possesses
23 a firearm for the purposes of facilitation of a school-sanctioned firearm-related event or
24 club event; or

25 (3) Is transporting a weapon in a nonfunctioning state or in an unloaded state when
26 ammunition is not readily accessible or when such weapons are not readily accessible.

27 4. Nothing in this section shall make it unlawful for a student to actually participate
28 in school-sanctioned gun safety courses, student military or ROTC courses, or other
29 school-sponsored or club-sponsored firearm-related events, provided the student does not
30 carry a firearm or other weapon readily capable of lethal use into any school, onto any
31 school bus, or onto the premises of any other function or activity sponsored or sanctioned
32 by school officials or the district school board.

33 5. No person found guilty of possession of a weapon in a prohibited place shall
34 receive a suspended imposition of sentence if such person has previously received a
35 suspended imposition of sentence for any other firearms or weapons-related felony offense.

 571.041. 1. Nothing in section 571.031, carrying a concealed weapon, and section
2 571.038, possession of a weapon in a prohibited place, shall apply to any of the following
3 persons described in this section, regardless of whether such uses are reasonably associated
4 with or are necessary to the fulfillment of such person's official duties, except as otherwise
5 provided in this section. Nothing in section 571.033, unlawful discharge of a firearm in the
6 first degree; section 571.034, unlawful discharge of a firearm in the second degree; and
7 section 571.036, brandishing a weapon, shall apply to or effect any of the following persons
8 when such uses are reasonably associated with or are necessary to the fulfillment of such
9 person's official duties, except as otherwise provided in this section:

10 (1) All state, county, and municipal peace officers who have completed the training
11 required by the police officer standards and training commission under sections 590.030
12 to 590.050 and who possess the duty and power of arrest for violations of the general
13 criminal laws of the state or for violations of ordinances of counties or municipalities of the
14 state, whether such officers are on or off duty, and whether such officers are within or
15 outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers,
16 as defined in subsection 2 of this section, and who carry the identification defined in
17 subsection 3 of this section, or any person summoned by such officers to assist in making
18 arrests or preserving the peace while actually engaged in assisting such officer;

19 (2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and
20 other institutions for the detention of persons accused or convicted of crime;

21 (3) Members of the armed forces or national guard while performing their official
22 duty;

23 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with
24 the judicial power of the state and those persons vested by Article III of the Constitution
25 of the United States with the judicial power of the United States, the members of the
26 federal judiciary;

27 (5) Any person whose bona fide duty is to execute process, civil or criminal;

28 (6) Any federal probation officer or federal flight deck officer as defined under the
29 federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such
30 officers are on duty, or within the law enforcement agency's jurisdiction;

31 (7) Any state probation or parole officer, including supervisors and members of the
32 board of probation and parole;

33 (8) Any corporate security advisor meeting the definition and fulfilling the
34 requirements of the regulations established by the board of police commissioners under
35 section 84.340;

36 (9) Any prosecuting attorney or assistant prosecuting attorney or any circuit
37 attorney or assistant circuit attorney who has completed the firearms safety training course
38 required under subsection 2 of section 319.1034;

39 (10) Any member of a fire department or fire protection district, who is employed
40 on a full-time basis as a fire investigator and who has a valid concealed carry endorsement
41 under sections 319.1025 to 319.1043, when such uses are reasonably associated with or are
42 necessary to the fulfillment of such person's official duties; and

43 (11) Any coroner, deputy coroner, medical examiner, or assistant medical
44 examiner.

45 2. As used in this section "qualified retired peace officer" means an individual who:

46 (1) Retired in good standing from service with a public agency as a peace officer,
47 other than for reasons of mental instability;

48 (2) Before such retirement, was authorized by law to engage in or supervise the
49 prevention, detection, investigation, or prosecution of, or the incarceration of any person
50 for, any violation of law, and had statutory powers of arrest;

51 (3) Before such retirement, was regularly employed as a peace officer for an
52 aggregate of fifteen years or more, or retired from service with such agency, after
53 completing any applicable probationary period of such service, due to a service-connected
54 disability, as determined by such agency;

55 (4) Has a nonforfeitable right to benefits under the retirement plan of the agency
56 if such a plan is available;

57 **(5) During the most recent twelve-month period, has met, at the expense of the**
58 **individual, the standards for training and qualification for active peace officers to carry**
59 **firearms;**

60 **(6) Is not under the influence of alcohol or another intoxicating or hallucinatory**
61 **drug or substance; and**

62 **(7) Is not prohibited by federal law from receiving a firearm.**

63 **3. The identification required by subdivision (1) of subsection 1 of this section is:**

64 **(1) A photographic identification issued by the agency from which the individual**
65 **retired from service as a peace officer that indicates that the individual has, within one**
66 **year of the date the individual is carrying the concealed firearm, been tested or otherwise**
67 **found by the agency to meet the standards established by the agency for training and**
68 **qualification for active peace officers to carry a firearm of the same type as the concealed**
69 **firearm; or**

70 **(2) A photographic identification issued by the agency from which the individual**
71 **retired from service as a peace officer; and**

72 **(3) A certification issued by the state in which the individual resides that indicates**
73 **that the individual has, within one year of the date the individual is carrying the concealed**
74 **firearm, been tested or otherwise found by the state to meet the standards established by**
75 **the state for training and qualification for active peace officers to carry a firearm of the**
76 **same type as the concealed firearm.**

571.042. 1. A person commits the offense of possession of a weapon while
2 **intoxicated if he or she has a firearm or projectile weapon readily capable of lethal use on**
3 **his or her person, while he or she is intoxicated.**

4 **2. The offense of possession of a weapon while intoxicated is a class A misdemeanor,**
5 **unless committed with a loaded firearm, in which case it is a class E felony.**

6 **3. This section shall not apply to a person transporting such weapons in a**
7 **nonfunctioning state or in an unloaded state when ammunition is not readily accessible or**
8 **when such weapons are not readily accessible.**

9 **4. It shall be an affirmative defense to this section that the person is in his or her**
10 **own residence at the time of the offense, unless he or she handles or otherwise uses such**
11 **firearm or projectile weapon in either a negligent or unlawful manner or discharges such**
12 **firearm or projectile weapon.**

13 **5. No person found guilty of possession of a weapon while intoxicated shall receive**
14 **a suspended imposition of sentence if such person has previously received a suspended**
15 **imposition of sentence for any other firearms or weapons-related felony offense.**

571.043. It shall be a defense to section 571.033, unlawful discharge of a firearm in the first degree; section 571.034, unlawful discharge of a firearm in the second degree; section 571.036, brandishing a weapon; section 571.038, possession of a weapon in a prohibited place; and section 571.042, possession of a weapon while intoxicated; that the offense was committed by a person engaged in a lawful act of defense under section 563.031. The defendant shall have the burden of injecting the issue of lawful defense.

571.044. 1. A person commits the offense of setting a spring gun if he or she knowingly sets any fused, timed or nonmanually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death.

2. The offense of setting a spring gun is a class E felony.

3. No person found guilty of setting a spring gun shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

571.045. 1. A person commits the [crime] offense of defacing a firearm if he or she knowingly [defaces] alters or destroys the manufacturer's or importer's serial number or any other distinguishing number or identification mark of any firearm.

2. The offense of defacing a firearm is a class A misdemeanor.

571.050. 1. A person commits the [crime] offense of possession of a defaced firearm if he or she knowingly possesses a firearm on which [is defaced] the manufacturer's or importer's serial number or any other distinguishing number or identification mark has been altered or destroyed.

2. The offense of possession of a defaced firearm is a class B misdemeanor.

571.060. 1. A person commits the [crime] offense of unlawful transfer of [weapons] a weapon if he or she:

(1) Knowingly [sells, leases, loans, gives away or delivers] transfers a firearm or ammunition for a firearm to any person who, under the provisions of section 571.070, is not lawfully entitled to possess such;

(2) Knowingly [sells, leases, loans, gives away or delivers] transfers a blackjack to a person less than eighteen years [old] of age without the consent of the child's custodial parent or guardian[,] ; or

(3) Recklessly[, as defined in section 562.016, sells, leases, loans, gives away or delivers] transfers any firearm to a person less than eighteen years [old] of age without the consent of the child's custodial parent or guardian; [provided, that this does not prohibit the delivery of such weapons to any peace officer or member of the armed forces or national guard while performing his official duty;] or

14 [(3)] **(4)** Recklessly, [as defined in section 562.016, sells, leases, loans, gives away or
15 delivers] **transfers** a firearm or ammunition for a firearm to a person who is intoxicated.

16 2. **The offense of** unlawful transfer of [weapons] **a weapon** under subdivision (1) of
17 subsection 1 of this section is a class [D] **E** felony; unlawful transfer of [weapons] **a weapon**
18 under subdivisions (2) [and] , (3) **and (4)** of subsection 1 of this section is a class A
19 misdemeanor.

571.063. 1. [As used in this section the following terms shall mean:

2 (1) "Ammunition", any cartridge, shell, or projectile designed for use in a firearm;

3 (2) "Licensed dealer", a person who is licensed under 18 U.S.C. Section 923 to engage
4 in the business of dealing in firearms;

5 (3) "Materially false information", any information that portrays an illegal transaction
6 as legal or a legal transaction as illegal;

7 (4) "Private seller", a person who sells or offers for sale any firearm, as defined in section
8 571.010, or ammunition.

9 2.] A person commits the [crime] **offense** of fraudulent purchase of a firearm if [such
10 person] **he or she**:

11 (1) Knowingly solicits, persuades, encourages or entices a [licensed dealer or private]
12 seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which
13 the person knows would violate the laws of this state or the United States; or

14 (2) Provides to a [licensed dealer or private] seller of firearms or ammunition what the
15 person knows to be [materially] false information with intent to deceive the [dealer or] seller
16 about the legality of a transfer of a firearm or ammunition[; or

17 (3) Willfully procures another to violate the provisions of subdivision (1) or (2) of this
18 subsection].

19 [3.] **2. The offense of** fraudulent purchase of a firearm is a class [D] **E** felony.

20 [4.] **3.** This section shall not apply to criminal investigations conducted by the United
21 States Bureau of Alcohol, Tobacco, Firearms and Explosives, authorized agents of such
22 investigations, or to a [peace] **law enforcement** officer, [as defined in section 542.261,] acting
23 at the explicit direction of the United States Bureau of Alcohol, Tobacco, Firearms and
24 Explosives.

571.070. 1. A person commits the [crime] **offense** of unlawful possession of a firearm
2 **or explosive weapon** if [such person] **he or she** knowingly has any firearm **or explosive**
3 **weapon** in his or her possession and **such person**:

4 (1) [Such person] Has been convicted of a felony under the laws of this state, or of [a
5 crime] **an offense** under the laws of any [state or of the United States] **jurisdiction** which, if
6 committed [within] **in** this state, would be a felony; or

- 7 (2) [Such person] Is a fugitive from justice[,] ; **or**
8 (3) Is habitually in an intoxicated or drugged condition[,] ; or
9 (4) Is currently adjudged mentally incompetent.

10 2. **The offense of** unlawful possession of a firearm **or explosive weapon** is a class [C]
11 **D** felony.

12 3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the
13 possession of an antique firearm.

571.150. 1. As used in this section, the term "metal-penetrating bullet" means handgun
2 bullet or projectile of 9 mm, .25, .32, .38, .357, .41, .44, or .451 or other caliber which is
3 comprised of a hardened core equal to the minimum of the maximum attainable hardness by
4 solid red metal alloy which purposely reduces the normal expansion or mushrooming of the
5 bullet's or projectile's shape upon impact. Metal-penetrating bullet does not include any bullet
6 or projectile composed of copper or brass jacket with lead or lead alloy cores or any bullet or
7 projectile composed of lead or lead alloys.

8 2. [Any person who uses or possesses] **The offense of using or possessing** a
9 metal-penetrating bullet during the commission of [a crime is guilty of] **an offense is** a class B
10 felony.

572.010. As used in this chapter **the following terms mean:**

2 (1) "Advance gambling activity", a person "advances gambling activity" if, acting other
3 than as a player, he **or she** engages in conduct that materially aids any form of gambling activity.
4 Conduct of this nature includes but is not limited to conduct directed toward the creation or
5 establishment of the particular game, lottery, contest, scheme, device or activity involved, toward
6 the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor,
7 toward the solicitation or inducement of persons to participate therein, toward the actual conduct
8 of the playing phases thereof, toward the arrangement or communication of any of its financial
9 or recording phases, or toward any other phase of its operation. A person advances gambling
10 activity if, having substantial proprietary control or other authoritative control over premises
11 being used with his **or her** knowledge for purposes of gambling activity, he **or she** permits that
12 activity to occur or continue or makes no effort to prevent its occurrence or continuation. The
13 supplying, servicing and operation of a licensed excursion gambling boat under sections 313.800
14 to 313.840 does not constitute advancing gambling activity;

15 (2) "Bookmaking", [means] advancing gambling activity by unlawfully accepting bets
16 from members of the public as a business, rather than in a casual or personal fashion, upon the
17 outcomes of future contingent events;

18 (3) "Contest of chance" [means] , any contest, game, gaming scheme or gaming device
19 in which the outcome depends in a material degree upon an element of chance, notwithstanding
20 that the skill of the contestants may also be a factor therein;

21 (4) "Gambling", a person engages in "gambling" when he **or she** stakes or risks
22 something of value upon the outcome of a contest of chance or a future contingent event not
23 under his **or her** control or influence, upon an agreement or understanding that he **or she** will
24 receive something of value in the event of a certain outcome. Gambling does not include bona
25 fide business transactions valid under the law of contracts, including but not limited to contracts
26 for the purchase or sale at a future date of securities or commodities, and agreements to
27 compensate for loss caused by the happening of chance, including but not limited to contracts
28 of indemnity or guaranty and life, health or accident insurance; nor does gambling include
29 playing an amusement device that confers only an immediate right of replay not exchangeable
30 for something of value. Gambling does not include any licensed activity, or persons participating
31 in such games which are covered by sections 313.800 to 313.840;

32 (5) "Gambling device" [means] , any device, machine, paraphernalia or equipment that
33 is used or usable in the playing phases of any gambling activity, whether that activity consists
34 of gambling between persons or gambling by a person with a machine. However, lottery tickets,
35 policy slips and other items used in the playing phases of lottery and policy schemes are not
36 gambling devices within this definition;

37 (6) "Gambling record" [means] , any article, instrument, record, receipt, ticket,
38 certificate, token, slip or notation used or intended to be used in connection with unlawful
39 gambling activity;

40 (7) "Lottery" or "policy" [means] , an unlawful gambling scheme in which for a
41 consideration the participants are given an opportunity to win something of value, the award of
42 which is determined by chance;

43 (8) "Player" [means] , a person who engages in any form of gambling solely as a
44 contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other
45 than personal gambling winnings, and without otherwise rendering any material assistance to the
46 establishment, conduct or operation of the particular gambling activity. A person who gambles
47 at a social game of chance on equal terms with the other participants therein does not otherwise
48 render material assistance to the establishment, conduct or operation thereof by performing,
49 without fee or remuneration, acts directed toward the arrangement or facilitation of the game,
50 such as inviting persons to play, permitting the use of premises therefor and supplying cards or
51 other equipment used therein. A person who engages in "bookmaking" as defined in subdivision
52 (2) of this section is not a "player";

53 (9) "Professional player" [means], a player who engages in gambling for a livelihood or
54 who has derived at least twenty percent of his **or her** income in any one year within the past five
55 years from acting solely as a player;

56 (10) "Profit from gambling activity", a person "profits from gambling activity" if, other
57 than as a player, he **or she** accepts or receives money or other property pursuant to an agreement
58 or understanding with any person whereby he participates or is to participate in the proceeds of
59 gambling activity;

60 (11) "Slot machine" [means], a gambling device that as a result of the insertion of a coin
61 or other object operates, either completely automatically or with the aid of some physical act by
62 the player, in such a manner that, depending upon elements of chance, it may eject something
63 of value. A device so constructed or readily adaptable or convertible to such use is no less a slot
64 machine because it is not in working order or because some mechanical act of manipulation or
65 repair is required to accomplish its adaptation, conversion or workability. Nor is it any less a slot
66 machine because apart from its use or adaptability as such it may also sell or deliver something
67 of value on a basis other than chance;

68 (12) "Something of value" [means], any money or property, any token, object or article
69 exchangeable for money or property, or any form of credit or promise directly or indirectly
70 contemplating transfer of money or property or of any interest therein or involving extension of
71 a service, entertainment or a privilege of playing at a game or scheme without charge;

72 (13) "Unlawful" [means], not specifically authorized by law.

**572.015. Nothing in this chapter prohibits constitutionally authorized activities
2 under article III, sections 39(a) to 39(f) of the Missouri Constitution.**

572.020. 1. A person commits the [crime] **offense** of gambling if he **or she** knowingly
2 engages in gambling.

3 2. **The offense of** gambling is a class C misdemeanor unless:

4 (1) It is committed by a professional player, in which case it is a class [D felony] **A**
5 **misdemeanor**; or

6 (2) The person knowingly engages in gambling with a [minor] **child less than seventeen**
7 **years of age**, in which case it is a class B misdemeanor.

572.030. 1. A person commits the [crime] **offense** of promoting gambling in the first
2 degree if he **or she** knowingly advances or profits from unlawful gambling or lottery activity by:

3 (1) Setting up and operating a gambling device to the extent that more than one hundred
4 dollars of money is gambled upon or by means of the device in any one day, or setting up and
5 operating any slot machine; or

6 (2) Engaging in bookmaking to the extent that he **or she** receives or accepts in any one
7 day more than one bet and a total of more than one hundred dollars in bets; or

8 (3) Receiving in connection with a lottery or policy or enterprise:

9 (a) Money or written records from a person other than a player whose chances or plays
10 are represented by such money or records; or

11 (b) More than one hundred dollars in any one day of money played in the scheme or
12 enterprise; or

13 (c) Something of value played in the scheme or enterprise with a fair market value
14 exceeding one hundred dollars in any one day.

15 2. **The offense of** promoting gambling in the first degree is a class [D] E felony.

572.040. 1. A person commits the [crime] **offense** of promoting gambling in the second
2 degree if he **or she** knowingly advances or profits from unlawful gambling or lottery activity.

3 2. **The offense of** promoting gambling in the second degree is a class A misdemeanor.

572.050. 1. A person commits the [crime] **offense** of possession of gambling records
2 in the first degree if, with knowledge of the contents thereof, he **or she** possesses any gambling
3 record of a kind used:

4 (1) In the operation or promotion of a bookmaking scheme or enterprise, and
5 constituting, reflecting or representing more than five bets totaling more than five hundred
6 dollars; or

7 (2) In the operation, promotion or playing of a lottery or policy scheme or enterprise, and
8 constituting, reflecting or representing more than five hundred plays or chances therein.

9 2. [A person does not commit a crime] **No offense is committed** under subdivision (1)
10 of subsection 1 of this section if the gambling record possessed by the [defendant] **person**
11 constituted, reflected or represented **his or her own** bets [of the defendant himself] in a number
12 not exceeding ten.

13 3. The defendant shall have the burden of injecting the issue under subsection 2.

14 4. **The offense of** possession of gambling records in the first degree is a class [D] E
15 felony.

572.060. 1. A person commits the [crime] **offense** of possession of gambling records
2 in the second degree if, with knowledge of the contents thereof, he **or she** possesses any
3 gambling record of a kind used:

4 (1) In the operation or promotion of a bookmaking scheme or enterprise; or

5 (2) In the operation, promotion or playing of a lottery or policy scheme or enterprise.

6 2. [A person does not commit a crime] **No offense is committed** under subdivision (1)
7 of subsection 1 of this section if the gambling record possessed by the [defendant] **person**
8 constituted, reflected or represented bets [of the defendant himself] in a number not exceeding
9 ten.

10 3. The defendant shall have the burden of injecting the issue under subsection 2.

11 4. **The offense of** possession of gambling records in the second degree is a class A
12 misdemeanor.

 572.070. 1. A person commits the [crime] **offense** of possession of a gambling device
2 if, with knowledge of the character thereof, he **or she** manufactures, sells, transports, places or
3 possesses, or conducts or negotiates any transaction affecting or designed to affect ownership,
4 custody or use of:

5 (1) A slot machine; or

6 (2) Any other gambling device, knowing or having reason to believe that it is to be used
7 in the state of Missouri in the advancement of unlawful gambling activity.

8 2. **The offense of** possession of a gambling device is a class A misdemeanor.

 573.010. As used in this chapter the following terms shall mean:

2 (1) **"Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or other**
3 **commercial establishment, regardless of whether alcoholic beverages are served, which**
4 **regularly features persons who appear semi-nude;**

5 (2) **"Characterized by", describing the essential character or dominant theme of**
6 **an item;**

7 (3) "Child", any person under the age of fourteen;

8 [(2)] (4) "Child pornography":

9 (a) Any obscene material or performance depicting sexual conduct, sexual contact **as**
10 **defined in section 566.010**, or a sexual performance[, as these terms are defined in section
11 556.061,] and which has as one of its participants or portrays as an observer of such conduct,
12 contact, or performance a minor [under the age of eighteen]; or

13 (b) Any visual depiction, including any photograph, film, video, picture, or computer or
14 computer-generated image or picture, whether made or produced by electronic, mechanical, or
15 other means, of sexually explicit conduct where:

16 a. The production of such visual depiction involves the use of a minor engaging in
17 sexually explicit conduct;

18 b. Such visual depiction is a digital image, computer image, or computer-generated
19 image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct,
20 **in that the depiction is such that an ordinary person viewing the depiction would conclude**
21 **that the depiction is of an actual minor engaged in sexually explicit conduct;** or

22 c. Such visual depiction has been created, adapted, or modified to show that an
23 identifiable minor is engaging in sexually explicit conduct. **"Identifiable minor" means a**
24 **person who was a minor at the time the visual depiction was created, adapted, or modified;**
25 **or whose image as a minor was used in creating, adapting, or modifying the visual**
26 **depiction; and who is recognizable as an actual person by the person's face, likeness, or**

27 **other distinguishing characteristic, such as a unique birthmark or other recognizable**
28 **feature. The term "identifiable minor" shall not be construed to require proof of the**
29 **actual identity of the identifiable minor;**

30 [(3) "Displays publicly", exposing, placing, posting, exhibiting, or in any fashion
31 displaying in any location, whether public or private, an item in such a manner that it may be
32 readily seen and its content or character distinguished by normal unaided vision viewing it from
33 a street, highway or public sidewalk, or from the property of others or from any portion of the
34 person's store, or the exhibitor's store or property when items and material other than this
35 material are offered for sale or rent to the public;

36 [(4)] (5) **"Employ", "employee", or "employment", means any person who performs**
37 **any service on the premises of a sexually oriented business, on a full-time, part-time, or**
38 **contract basis, whether or not the person is denominated an employee, independent**
39 **contractor, agent, or otherwise. Employee does not include a person exclusively on the**
40 **premises for repair or maintenance of the premises or for the delivery of goods to the**
41 **premises;**

42 (6) **"Explicit sexual material", any pictorial or three-dimensional material depicting**
43 **human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation**
44 **or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal**
45 **human genitals; provided, however, that works of art or of anthropological significance shall not**
46 **be deemed to be within the foregoing definition;**

47 [(5)] (7) **"Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate,**
48 **disseminate, present, exhibit or otherwise provide;**

49 [(6) "Graphic", when used with respect to a depiction of sexually explicit conduct, that
50 a viewer can observe any part of the genitals or pubic area of any depicted person or animal
51 during any part of the time that the sexually explicit conduct is being depicted;

52 (7) **"Identifiable minor":**

53 (a) **A person:**

54 a. (i) **Who was a minor at the time the visual depiction was created, adapted, or**
55 **modified; or**

56 (ii) **Whose image as a minor was used in creating, adapting, or modifying the visual**
57 **depiction; and**

58 b. **Who is recognizable as an actual person by the person's face, likeness, or other**
59 **distinguishing characteristic, such as a unique birthmark or other recognizable feature; and**

60 (b) **The term shall not be construed to require proof of the actual identity of the**
61 **identifiable minor;**

62 (8) "Indistinguishable", when used with respect to a depiction, virtually
63 indistinguishable, in that the depiction is such that an ordinary person viewing the depiction
64 would conclude that the depiction is of an actual minor engaged in sexually explicit conduct.
65 Indistinguishable does not apply to depictions that are drawings, cartoons, sculptures, or
66 paintings depicting minors or adults;

67 (9) (8) "Material", anything printed or written, or any picture, drawing, photograph,
68 motion picture film, videotape or videotape production, or pictorial representation, or any
69 recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored
70 computer data, or anything which is or may be used as a means of communication. Material
71 includes undeveloped photographs, molds, printing plates, stored computer data and other latent
72 representational objects;

73 [(10)] (9) "Minor", any person [under the age of] **less than eighteen years of age**;

74 [(11)] (10) "Nudity" or **"state of nudity"**, the showing of [postpubertal] **the** human
75 genitals [or] , pubic area, **vulva, anus, anal cleft, or the female breast** with less than a fully
76 opaque covering **of any part of the nipple or areola**;

77 [(12)] (11) "Obscene", any **comment, request, suggestion**, material, or performance [is
78 obscene] if, taken as a whole:

79 (a) Applying contemporary community standards, its predominant appeal is to prurient
80 interest in sex; and

81 (b) The average person, applying contemporary community standards, would find the
82 material depicts or describes sexual conduct in a patently offensive way; and

83 (c) A reasonable person would find the material lacks serious literary, artistic, political
84 or scientific value;

85 (12) **"Operator", any person on the premises of a sexually oriented business who**
86 **causes the business to function or who puts or keeps in operation the business or who is**
87 **authorized to manage the business or exercise overall operational control of the business**
88 **premises. A person may be found to be operating or causing to be operated a sexually**
89 **oriented business whether or not such person is an owner, part owner, or licensee of the**
90 **business**;

91 (13) "Performance", any play, motion picture film, videotape, dance or exhibition
92 performed before an audience of one or more;

93 (14) "Pornographic for minors", any material or performance [is pornographic for
94 minors] if the following apply:

95 (a) The average person, applying contemporary community standards, would find that
96 the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient
97 interest of minors; and

(b) The material or performance depicts or describes nudity, sexual conduct, [sexual excitement] **the condition of human genitals when in a state of sexual stimulation or arousal**, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

(c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors;

(15) **"Premises", the real property upon which a sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages or both;**

(16) "Promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same, by any means including a computer;

(17) **"Regularly, the consistent and repeated doing of the act so described;**

[(16)] (18) "Sadomasochistic abuse", flagellation or torture by or upon a person as an act of sexual stimulation or gratification;

(19) **"Semi-nude" or "state of semi-nudity", the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part;**

[(17)] (20) "Sexual conduct", actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification;

[(18)] (21) "Sexually explicit conduct", actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(b) Bestiality;

(c) Masturbation;

(d) Sadistic or masochistic abuse; or

(e) Lascivious exhibition of the genitals or pubic area of any person;

133 [(19) "Sexual excitement", the condition of human male or female genitals when in a
134 state of sexual stimulation or arousal;
135 (20)] (22) **"Sexually oriented business" includes:**
136 **(a) An adult bookstore or adult video store. "Adult bookstore" or "adult video**
137 **store" means a commercial establishment which, as one of its principal business activities,**
138 **offers for sale or rental for any form of consideration any one or more of the following:**
139 **books, magazines, periodicals, or other printed matter, or photographs, films, motion**
140 **pictures, video cassettes, compact discs, digital video discs, slides, or other visual**
141 **representations which are characterized by their emphasis upon the display of specified**
142 **sexual activities or specified anatomical areas. A "principal business activity" exists where**
143 **the commercial establishment:**
144 **a. Has a substantial portion of its displayed merchandise which consists of such**
145 **items; or**
146 **b. Has a substantial portion of the wholesale value of its displayed merchandise**
147 **which consists of such items; or**
148 **c. Has a substantial portion of the retail value of its displayed merchandise which**
149 **consists of such items; or**
150 **d. Derives a substantial portion of its revenues from the sale or rental, for any form**
151 **of consideration, of such items; or**
152 **e. Maintains a substantial section of its interior business space for the sale or rental**
153 **of such items; or**
154 **f. Maintains an adult arcade. "Adult arcade" means any place to which the public**
155 **is permitted or invited wherein coin-operated or slug-operated or electronically,**
156 **electrically, or mechanically controlled still or motion picture machines, projectors, or**
157 **other image-producing devices are regularly maintained to show images to five or fewer**
158 **persons per machine at any one time, and where the images so displayed are characterized**
159 **by their emphasis upon matter exhibiting specified sexual activities or specified anatomical**
160 **areas;**
161 **(b) An adult cabaret;**
162 **(c) An adult motion picture theater. "Adult motion picture theater" means a**
163 **commercial establishment where films, motion pictures, video cassettes, slides, or similar**
164 **photographic reproductions, which are characterized by their emphasis upon the display**
165 **of specified sexual activities or specified anatomical areas are regularly shown to more than**
166 **five persons for any form of consideration;**
167 **(d) A semi-nude model studio. "Semi-nude model studio" means a place where**
168 **persons regularly appear in a state of semi-nudity for money or any form of consideration**

in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Such definition shall not apply to any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

a. By a college, junior college, or university supported entirely or partly by taxation;

b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

c. In a structure:

(i) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

(ii) Where, in order to participate in a class, a student must enroll at least three days in advance of the class;

(e) A sexual encounter center. "Sexual encounter center" means a business or commercial enterprise that, as one of its principal purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between two or more persons when one or more of the persons is semi-nude;

(23) "Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;

(24) "Specified anatomical areas" include:

(a) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

(25) "Specified sexual activity", includes any of the following:

(a) Intercourse, oral copulation, masturbation, or sodomy; or

(b) Excretory functions as a part of or in connection with any of the activities described in paragraph (a) of this subdivision;

(26) "Substantial", at least thirty percent of the item or items so modified;

(27) "Visual depiction", includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image[;

(21) "Wholesale promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purposes of resale or redistribution].

573.020. 1. A person commits the [crime] offense of promoting obscenity in the first degree if he or she:

3 (1) [He or she] Wholesale promotes or possesses with the purpose to wholesale promote
4 any obscene material; or

5 (2) [He or she] Wholesale promotes for minors or possesses with the purpose to
6 wholesale promote for minors any material pornographic for minors; or

7 (3) [He or she] Promotes, wholesale promotes or possesses with the purpose to
8 wholesale promote for minors material that is pornographic for minors via computer, internet or
9 computer network if the person made the matter available to a specific individual known by the
10 defendant to be a minor.

11 2. **The offense of** promoting obscenity in the first degree is a class [D] E felony.

12 3. **As used in this section, "wholesale promote" means to manufacture, issue, sell,**
13 **provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, or**
14 **to offer or agree to do the same for purposes of resale or redistribution.**

573.023. 1. A person commits the [crime] **offense** of sexual exploitation of a minor if
2 such person knowingly or recklessly photographs, films, videotapes, produces or otherwise
3 creates obscene material with a minor or child pornography.

4 2. **The offense of** sexual exploitation of a minor is a class B felony unless the minor is
5 a child, in which case it is a class A felony.

573.025. 1. A person commits the [crime] **offense** of promoting child pornography in
2 the first degree if [such person] **he or she** possesses with the intent to promote or promotes child
3 pornography of a child less than fourteen years [of age] **old** or obscene material portraying what
4 appears to be a child less than fourteen years [of age] **old**.

5 2. **The offense of** promoting child pornography in the first degree is a class B felony
6 unless the person knowingly promotes such material to a minor, in which case it is a class A
7 felony. No person who [pleads guilty to or is] **has been** found guilty of[, or is convicted of,]
8 promoting child pornography in the first degree shall be eligible for probation, parole, or
9 conditional release for a period of three calendar years.

10 3. Nothing in this section shall be construed to require a provider of electronic
11 communication services or remote computing services to monitor any user, subscriber or
12 customer of the provider, or the content of any communication of any user, subscriber or
13 customer of the provider.

573.030. 1. A person commits the [crime] **offense** of promoting pornography for minors
2 or obscenity in the second degree if he or she:

3 (1) Promotes or possesses with the purpose to promote any obscene material for
4 pecuniary gain; or

5 (2) Produces, presents, directs or participates in any obscene performance for pecuniary
6 gain; or

7 (3) Promotes or possesses with the purpose to promote any material pornographic for
8 minors for pecuniary gain; or

9 (4) Produces, presents, directs or participates in any performance pornographic for
10 minors for pecuniary gain; or

11 (5) Promotes, possesses with the purpose to promote, produces, presents, directs or
12 participates in any performance that is pornographic for minors via computer, electronic transfer,
13 internet or computer network if the person made the matter available to a specific individual
14 known by the defendant to be a minor.

15 2. **The offense of** promoting pornography for minors or obscenity in the second degree
16 is a class A misdemeanor unless the person has [pleaded guilty to or has] been found guilty of
17 an offense pursuant to this section committed at a different time, in which case it is a class [D]
18 **E** felony.

573.035. 1. A person commits the [crime] **offense** of promoting child pornography in
2 the second degree if such person possesses with the intent to promote or promotes child
3 pornography of a minor [under the age of] **less than eighteen years of age** or obscene material
4 portraying what appears to be a minor [under the age of] **less than eighteen years of age**.

5 2. **The offense of** promoting child pornography in the second degree is a class [C] **D**
6 felony unless the person knowingly promotes such material to a minor, in which case it is a class
7 B felony. No person who is found guilty of[, pleads guilty to, or is convicted of] promoting child
8 pornography in the second degree shall be eligible for probation.

573.037. 1. A person commits the [crime] **offense** of possession of child pornography
2 if such person knowingly or recklessly possesses any child pornography of a minor under the age
3 of eighteen or obscene material portraying what appears to be a minor [under the age of] **less**
4 **than eighteen years old**.

5 2. **The offense of** possession of child pornography is a class [C] **D** felony unless the
6 person possesses more than twenty still images of child pornography, possesses one motion
7 picture, film, videotape, videotape production, or other moving image of child pornography, or
8 has [pleaded guilty to or has] been found guilty of an offense under this section, in which case
9 it is a class B felony.

573.040. 1. A person commits the [crime] **offense** of furnishing pornographic material
2 to minors if he or she:

3 (1) Furnishes any material pornographic for minors, knowing that the person to whom
4 it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a
5 minor; or

6 (2) Produces, presents, directs or participates in any performance pornographic for
7 minors that is furnished to a minor knowing that any person viewing such performance is a minor
8 or acting in reckless disregard of the likelihood that a minor is viewing the performance; or

9 (3) Furnishes, produces, presents, directs, participates in any performance or otherwise
10 makes available material that is pornographic for minors via computer, electronic transfer,
11 internet or computer network if the person made the matter available to a specific individual
12 known by the [defendant] **person** to be a minor.

13 2. It is not an affirmative defense to a prosecution for a violation of this section that the
14 person being furnished the pornographic material is a peace officer masquerading as a minor.

15 3. **The offense of** furnishing pornographic material to minors or attempting to furnish
16 pornographic material to minors is a class A misdemeanor unless the person has [pleaded guilty
17 to or has] been found guilty of an offense committed at a different time pursuant to this chapter,
18 chapter 566 or chapter 568, in which case it is a class [D] **E** felony.

573.050. 1. In any prosecution under this chapter evidence shall be admissible to show:

2 (1) What the predominant appeal of the material or performance would be for ordinary
3 adults or minors;

4 (2) The literary, artistic, political or scientific value of the material or performance;

5 (3) The degree of public acceptance in this state and in the local community;

6 (4) The appeal to prurient interest in advertising or other promotion of the material or
7 performance;

8 (5) The purpose of the author, creator, promoter, furnisher or publisher of the material
9 or performance.

10 2. Testimony of the author, creator, promoter, furnisher, publisher, or expert testimony,
11 relating to factors entering into the determination of the issues of obscenity or child pornography,
12 shall be admissible.

13 3. In any prosecution [for possession of child pornography or promoting child
14 pornography in the first or second degree, the determination that the person who participated in
15 the child pornography was younger than eighteen years of age may be made as set forth in section
16 568.100, or reasonable inferences drawn by a judge or jury after viewing the alleged
17 pornographic material shall constitute sufficient evidence of the child's age to support a
18 conviction] **under this chapter, when it becomes necessary to determine whether a person
19 was less than seventeen or eighteen years old, the court or jury may make this
20 determination by any of the following methods:**

21 (1) **Personal inspection of the child;**

22 (2) **Inspection of the photograph or motion picture that shows the child engaging
23 in the sexual performance;**

24 **(3) Oral testimony by a witness to the sexual performance as to the age of the child**
25 **based on the child's appearance at the time;**

26 **(4) Expert medical testimony based on the appearance of the child engaging in the**
27 **sexual performance; or**

28 **(5) Any other method authorized by law or by the rules of evidence.**

29 4. In any prosecution for promoting child pornography in the first or second degree, no
30 showing is required that the performance or material involved appeals to prurient interest, that
31 it lacks serious literary, artistic, political or scientific value, or that it is patently offensive to
32 prevailing standards in the community as a whole.

 573.052. Upon receipt of any information that child pornography as defined in section
2 573.010 is contained on a website, the attorney general shall investigate such information. If the
3 attorney general has probable cause to believe the website contains child pornography, the
4 attorney general shall notify a website operator of any child pornography site residing on that
5 website operator's server, in writing. If the website operator promptly, but in no event longer
6 than five days after receiving notice, removes the alleged pornography from its server, and so
7 long as the website operator is not the purveyor of such child pornography, it shall be immune
8 from civil liability. If the website operator does not promptly remove the alleged pornography,
9 the attorney general may seek an injunction pursuant to section 573.070 to remove the child
10 pornography site from the website operator's server. This section shall not be construed to create
11 any defense to any criminal charges brought pursuant to this chapter [or chapter 568].

 573.060. 1. A person commits the [crime] **offense** of public display of explicit sexual
2 material if he [knowingly] or **she** recklessly:

3 (1) [Displays publicly] **Exposes, places, exhibits, or in any fashion, displays explicit**
4 **sexual material in any location, whether public or private, and in such a manner that it may**
5 **be readily seen and its content or character distinguished by normal unaided vision as**
6 **viewed from a street, highway, public sidewalk, or the property of others, or from any**
7 **portion of the person's store, the exhibitor's store or property when items and material**
8 **other than this material are offered for sale or rent to the public; or**

9 (2) Fails to take prompt action to remove such a display from property in his **or her**
10 possession after learning of its existence.

11 2. **The offense of** public display of explicit sexual material is a class A misdemeanor
12 unless the person has [pleaded guilty to or has] been found guilty of an offense under this section
13 committed at a different time, in which case it is a class [D] **E** felony.

14 3. For purposes of this section, each day there is a violation of this section shall
15 constitute a separate offense.

573.065. 1. A person commits the [crime] **offense** of coercing acceptance of obscene material if **he or she**:

(1) [He] Requires acceptance of obscene material as a condition to any sale, allocation, consignment or delivery of any other material; or

(2) [He] Denies any franchise or imposes any penalty, financial or otherwise, by reason of the failure or refusal of any person to accept any material obscene or pornographic for minors.

2. **The offense of** coercing acceptance of obscene material is a class [D] **E** felony.

573.090. 1. Video cassettes or other video reproduction devices, or the jackets, cases or coverings of such video reproduction devices shall be displayed or maintained in a separate area if the same are pornographic for minors as defined in section 573.010, or if:

(1) Taken as a whole and applying contemporary community standards, the average person would find that it has a tendency to cater or appeal to morbid interest in violence for persons [under the age of] seventeen **years of age**; and

(2) It depicts violence in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for persons [under the age of] **less than** seventeen **years of age**; and

(3) Taken as a whole, it lacks serious literary, artistic, political, or scientific value for persons [under the age of] **less than** seventeen **years of age**.

2. Any video cassettes or other video reproduction devices meeting the description in subsection 1 of this section shall not be rented or sold to a person [under the age of] **less than** seventeen **years of age**.

3. [Any] Violation of the provisions of subsection 1 or 2 of this section shall be punishable as an infraction, unless such violation constitutes furnishing pornographic materials to minors as defined in section 573.040, in which case it shall be punishable as a class A misdemeanor or class [D] **E** felony as prescribed in section 573.040, or unless such violation constitutes promoting obscenity in the second degree as defined in section 573.030, in which case it shall be punishable as a class A misdemeanor or class [D] **E** felony as prescribed in section 573.030.

573.100. 1. As used in this section, the [following terms mean:

(1) **term "indecent"[,]** **means** language or material that depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs[;

(2) "Obscene", any comment, request, suggestion or proposal is obscene if:

(a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and

8 (b) Taken as a whole with respect to the average person, applying contemporary
9 community standards, it depicts or describes sexual conduct in a patently offensive way; and

10 (c) Taken as a whole, it lacks serious literary, artistic, political or scientific value.
11 Obscenity shall be judged with reference to its impact upon ordinary adults].

12 2. [It shall be unlawful for any] **A person commits the offense of obscene or indecent**
13 **commercial messaging if he or she**, by means of a telephone communication for commercial
14 purposes, [to make] **makes** directly or by means of an electronic recording device, any comment,
15 request, suggestion, or proposal which is obscene or indecent; **or knowingly permits any**
16 **telephone or telephone facility connected to a local exchange telephone under such person's**
17 **control to be used for obscene or indecent commercial messaging.** Any person who makes
18 any such comment, request, suggestion, or proposal shall be in violation of the provisions of this
19 section regardless of whether such person placed or initiated the telephone call.

20 3. [It shall be unlawful for any person to permit knowingly any telephone or telephone
21 facility connected to a local exchange telephone under such person's control to be used for any
22 purpose prohibited by subsection 2 of this section.

23 4. Any person who violates any provision of this section is guilty of] **The offense of**
24 **obscene or indecent commercial messaging is** a class A misdemeanor unless such person has
25 [pleaded guilty to or has] been found guilty of the same offense committed at a different time,
26 in which case the violation is a class [D] **E** felony. For purposes of this subsection, each
27 violation constitutes a separate offense.

28 [5.] **4.** The prohibitions and penalties contained herein are not applicable to a
29 telecommunications company as defined in section 386.020 over whose facilities prohibited
30 communications may be transmitted.

[568.080.] **573.200.** 1. A person commits the [crime] **offense** of use of a child in a
2 sexual performance if, knowing the character and content thereof, the person employs,
3 authorizes, or induces a child less than [seventeen] **eighteen** years of age to engage in a [sexual]
4 performance **which includes sexual conduct** or, being a parent, legal guardian, or custodian of
5 such child, consents to the participation by such child in such sexual performance.

6 2. **The offense of** use of a child in a sexual performance is a class C felony, unless in the
7 course thereof the person inflicts serious emotional injury on the child, in which case the [crime]
8 **offense** is a class B felony.

9 3. **The court shall not grant a suspended imposition of sentence or a suspended**
10 **execution of sentence to a person who has previously been found guilty of an offense under**
11 **this section.**

[568.090.] **573.205.** 1. A person commits the [crime] **offense** of promoting a sexual
2 performance **by a child** if, knowing the character and content thereof, the person promotes a

3 [sexual] performance **which includes sexual conduct** by a child less than [seventeen] **eighteen**
4 years of age or produces, **or** directs[, or promotes] any performance which includes sexual
5 conduct by a child less than [seventeen] **eighteen** years of age.

6 2. **The offense of promoting a sexual performance by a child** is a class C felony.

7 3. **The court shall not grant a suspended imposition of sentence or a suspended**
8 **execution of sentence to a person who has previously been found guilty of an offense under**
9 **this section.**

[568.110.] **573.215.** 1. [Any] **A person commits the offense of failure to report child**
2 **pornography if he or she being a** film and photographic print processor, computer provider,
3 installer or repair person, or any internet service provider who has knowledge of or observes,
4 within the scope of the person's professional capacity or employment, any film, photograph,
5 videotape, negative, slide, or computer-generated image or picture depicting a child under [the
6 age of] eighteen years **of age** engaged in an act of sexual conduct [shall] **fails to** report such
7 instance to [the] **any** law enforcement agency [having jurisdiction over the case] immediately
8 or as soon as practically possible.

9 2. **The offense of failure to [make such report shall be] report child pornography is**
10 **a class B misdemeanor.**

11 3. Nothing in this section shall be construed to require a provider of electronic
12 communication services or remote computing services to monitor any user, subscriber or
13 customer of the provider, or the content of any communication of any user, subscriber or
14 customer of the provider.

573.509. 1. No person less than nineteen years [of age] **old** shall dance in an adult
2 cabaret [as defined in section 573.500], nor shall any proprietor of such establishment permit any
3 person less than nineteen years [of age] **old** to dance in an adult cabaret.

4 2. [Any person who violates the provisions of subsection 1] **Violation** of this section is
5 [guilty of] a class A misdemeanor.

573.531. 1. No person shall establish a sexually oriented business within one thousand
2 feet of any preexisting primary or secondary school, house of worship, state-licensed day care
3 facility, public library, public park, residence, or other sexually oriented business. This
4 subsection shall not apply to any sexually oriented business lawfully established prior to August
5 28, 2010. For purposes of this subsection, measurements shall be made in a straight line, without
6 regard to intervening structures or objects, from the closest portion of the parcel containing the
7 sexually oriented business to the closest portion of the parcel containing the preexisting primary
8 or secondary school, house of worship, state-licensed day care facility, public library, public
9 park, residence, or other sexually oriented business.

10 2. No person shall establish a sexually oriented business if a person with an influential
11 interest in the sexually oriented business has been [convicted of or pled guilty or nolo contendere
12 to a specified criminal act] **found guilty of any of the following specified offenses for which**
13 **less than eight years has elapsed since the date of conviction or the date of release from**
14 **confinement for the conviction, whichever is later:**

15 (1) **Rape and sexual assault offenses;**

16 (2) **Sexual offenses involving minors;**

17 (3) **Offenses involving prostitution;**

18 (4) **Obscenity offenses;**

19 (5) **Offenses involving money laundering;**

20 (6) **Offenses involving tax evasion;**

21 (7) **Any attempt, solicitation, or conspiracy to commit one of the offenses listed in**
22 **subdivisions (1) to (6) of this subsection; or**

23 (8) **Any offense committed in another jurisdiction which if committed in this state**
24 **would have constituted an offense listed in subdivisions (1) to (7) of this subsection.**

25 3. No person shall knowingly or intentionally, in a sexually oriented business, appear in
26 a state of nudity.

27 4. No employee shall knowingly or intentionally, in a sexually oriented business, appear
28 in a semi-nude condition unless the employee, while semi-nude, shall be and remain on a fixed
29 stage at least six feet from all patrons and at least eighteen inches from the floor in a room of at
30 least six hundred square feet.

31 5. No employee, who appears in a semi-nude condition in a sexually oriented business,
32 shall knowingly or intentionally touch a patron or the clothing of a patron in a sexually oriented
33 business.

34 6. A sexually oriented business, which exhibits on the premises, through any mechanical
35 or electronic image-producing device, a film, video cassette, digital video disc, or other video
36 reproduction, characterized by an emphasis on the display of specified sexual activities or
37 specified anatomical areas shall comply with the following requirements:

38 (1) The interior of the premises shall be configured in such a manner that there is an
39 unobstructed view from an operator's station of every area of the premises, including the interior
40 of each viewing room but excluding restrooms, to which any patron is permitted access for any
41 purpose;

42 (2) An operator's station shall not exceed thirty-two square feet of floor area;

43 (3) If the premises has two or more operator's stations designated, the interior of the
44 premises shall be configured in such a manner that there is an unobstructed view of each area of

45 the premises to which any patron is permitted access for any purpose from at least one of the
46 operator's stations;

47 (4) The view required under this subsection shall be by direct line of sight from the
48 operator's station;

49 (5) It is the duty of the operator to ensure that at least one employee is on duty and
50 situated in an operator's station at all times that any patron is on the portion of the premises
51 monitored by such operator station; and

52 (6) It shall be the duty of the operator and of any employees present on the premises to
53 ensure that the view area specified in this subsection remains unobstructed by any doors,
54 curtains, walls, merchandise, display racks, or other materials or enclosures at all times that any
55 patron is present on the premises.

56 7. Sexually oriented businesses that do not have stages or interior configurations which
57 meet at least the minimum requirements of sections 573.525 to 573.537 shall be given one
58 hundred eighty days after August 28, 2010, to comply with the stage and building requirements
59 of sections 573.525 to 573.537. During such one hundred eighty-day period, any employee who
60 appears within view of any patron in a semi-nude condition shall remain, while semi-nude, at
61 least six feet from all patrons.

62 8. No operator shall allow or permit a sexually oriented business to be or remain open
63 between the hours of 12:00 midnight and 6:00 a.m. on any day.

64 9. No person shall knowingly or intentionally sell, use, or consume alcoholic beverages
65 on the premises of a sexually oriented business.

66 10. No person shall knowingly allow a person under the age of eighteen years on the
67 premises of a sexually oriented business.

68 **11. As used in this section, the following terms mean:**

69 **(1) "Establish" or "establishment", includes any of the following:**

70 **(a) The opening or commencement of any sexually oriented business as a new**
71 **business;**

72 **(b) The conversion of an existing business, whether or not a sexually oriented**
73 **business, to any sexually oriented business; or**

74 **(c) The addition of any sexually oriented business to any other existing sexually**
75 **oriented business;**

76 **(2) "Influential interest", includes any of the following:**

77 **(a) The actual power to operate a sexually oriented business or control the**
78 **operation, management, or policies of a sexually oriented business or legal entity which**
79 **operates a sexually oriented business;**

80 **(b) Ownership of a financial interest of thirty percent or more of a business or of**
81 **any class of voting securities of a business; or**

82 **(c) Holding an office, such as president, vice president, secretary, treasurer,**
83 **managing member, or managing director, in a legal entity which operates a sexually**
84 **oriented business;**

85 **(3) "Viewing room", the room, booth, or area where a patron of a sexually oriented**
86 **business would ordinarily be positioned while watching a film, video cassette, digital video**
87 **disc, or other video reproduction.**

574.005. 1. As used in this chapter the following terms mean:

2 **(1) "Property of another", any property in which the person does not have a**
3 **possessory interest;**

4 **(2) "Private property", any place which at the time of the offense is not open to the**
5 **public. It includes property which is owned publicly or privately;**

6 **(3) "Public place", any place which at the time of the offense is open to the public.**
7 **It includes property which is owned publicly or privately.**

 574.010. 1. A person commits the [crime] **offense** of peace disturbance if **he or she**:

2 (1) [He] Unreasonably and knowingly disturbs or alarms another person or persons by:

3 (a) Loud noise; or

4 (b) Offensive language addressed in a face-to-face manner to a specific individual and
5 uttered under circumstances which are likely to produce an immediate violent response from a
6 reasonable recipient; or

7 (c) Threatening to commit a felonious act against any person under circumstances which
8 are likely to cause a reasonable person to fear that such threat may be carried out; or

9 (d) Fighting; or

10 (e) Creating a noxious and offensive odor;

11 (2) [He] Is in a public place or on private property of another without consent and
12 purposely causes inconvenience to another person or persons by unreasonably and physically
13 obstructing:

14 (a) Vehicular or pedestrian traffic; or

15 (b) The free ingress or egress to or from a public or private place.

16 **2. The offense of** peace disturbance is a class B misdemeanor upon the first conviction.
17 Upon a second or subsequent conviction, peace disturbance is a class A misdemeanor. Upon a
18 third or subsequent conviction, a person shall be sentenced to pay a fine of no less than one
19 thousand dollars and no more than five thousand dollars.

574.020. 1. A person commits the [crime] **offense** of private peace disturbance if he **or she** is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

(1) Threatening to commit [a crime] **an offense** against any person; or

(2) Fighting.

2. **The offense of** private peace disturbance is a class C misdemeanor.

3. **For purposes of this section, if a building or structure is divided into separately occupied units, such units are separate premises.**

574.040. 1. A person commits the [crime] **offense** of unlawful assembly if he **or she** knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence.

2. **The offense of** unlawful assembly is a class B misdemeanor.

574.050. 1. A person commits the [crime] **offense** of rioting if he **or she** knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence, and thereafter, while still so assembled, does violate any of said laws with force or violence.

2. **The offense of** rioting is a class A misdemeanor.

574.060. 1. A person commits the [crime] **offense** of refusal to disperse if, being present at the scene of an unlawful assembly, or at the scene of a riot, he **or she** knowingly fails or refuses to obey the lawful command of a law enforcement officer to depart from the scene of such unlawful assembly or riot.

2. **The offense of** refusal to disperse is a class C misdemeanor.

574.070. 1. As used in this section, the following terms mean:

(1) "Civil disorder", any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual;

(2) "Explosive or incendiary device", includes:

(a) Dynamite and all other forms of high explosives;

(b) Any explosive bomb, grenade, missile, or similar device; and

(c) Any incendiary bomb or grenade, fire bomb, or similar device, including any device which consists of or includes a breakable container containing a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and can be carried or thrown by one individual acting alone;

(3) "Firearm", any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive, or the frame or receiver of any such weapon;

14 (4) "Law enforcement officer", any officer or employee of the United States, any state,
15 any political subdivision of a state, or the District of Columbia. The term "law enforcement
16 officer" shall specifically include, but shall not be limited to, members of the National Guard,
17 as defined in section 101(9) of title 10, United States Code, and members of the organized militia
18 of any state or territory of the United States, the Commonwealth of Puerto Rico, or the District
19 of Columbia, not included within the definition of National Guard as defined by section 101(9)
20 of title 10, United States Code, and members of the armed forces of the United States.

21 2. [Whoever] **A person commits the offense of promoting civil disorder if he or she**
22 teaches or demonstrates to any other person the use, application, or construction of any firearm,
23 explosive, or incendiary device capable of causing injury or death to any person, knowing or
24 intending that such firearm, explosive, or incendiary device be used in furtherance of a civil
25 disorder[, is guilty of the crime of promoting civil disorder in the first degree].

26 3. **The offense of promoting civil disorder is a class D felony.**

27 4. Nothing contained in this section shall be construed to prohibit the training or teaching
28 of the use of weapons for law enforcement purposes, hunting, recreation, competition, or other
29 lawful uses and activities.

30 [4. Promoting civil disorder in the first degree is a class C felony.]

574.075. [It shall be unlawful for any] 1. **A person [in this state to enter] commits the**
2 **offense of drunkenness or drinking in a prohibited place if he or she enters** any schoolhouse
3 or church house in which there is an assemblage of people, met for a lawful purpose, or any
4 courthouse, in [a drunken or] **an** intoxicated and disorderly condition, or [to drink or offer]
5 **drinks or offers** to drink any intoxicating liquors in the presence of such assembly of people,
6 or in any courthouse [within this state and any person or persons so doing shall be guilty of a
7 misdemeanor; unless, however, the circuit court has by local rule authorized law library
8 associations to conduct social events after business hours in any courthouse].

9 2. **The offense of drunkenness or drinking in a prohibited place is a class B**
10 **misdemeanor.**

11 3. **This section shall not apply to law library or bar associations which the circuit**
12 **court has authorized to conduct social events after business hours in any courthouse.**

[569.070.] **574.080.** 1. A person commits the [crime] **offense** of causing catastrophe if
2 **he or she** knowingly causes a catastrophe by explosion, fire, flood, collapse of a building, release
3 of poison, radioactive material, bacteria, virus or other dangerous and difficult to confine force
4 or substance.

5 2. **As used in this section, the following terms mean:**

6 (1) "Catastrophe" [means] , death or serious physical injury to ten or more people or
7 substantial damage to five or more buildings or inhabitable structures or substantial damage to
8 a vital public facility which seriously impairs its usefulness or operation;

9 (2) "**Vital public facility**", **includes a facility maintained for use as a bridge,**
10 **whether over land or water, dam, reservoir, tunnel, communication installation or power**
11 **station.**

12 3. **The offense of** causing catastrophe is a class A felony.

 574.085. 1. A person commits the [crime] **offense** of institutional vandalism [by
2 knowingly vandalizing, defacing or otherwise damaging] **if he or she knowingly vandalizes,**
3 **defaces, or otherwise damages:**

4 (1) Any church, synagogue or other building, structure or place used for religious
5 worship or other religious purpose;

6 (2) Any cemetery, mortuary, military monument or other facility used for the purpose
7 of burial or memorializing the dead;

8 (3) Any school, educational facility, community center, hospital or medical clinic owned
9 and operated by a religious or sectarian group;

10 (4) The grounds adjacent to, and owned or rented by, any institution, facility, building,
11 structure or place described in subdivision (1), (2), or (3) of this subsection;

12 (5) Any personal property contained in any institution, facility, building, structure or
13 place described in subdivision (1), (2), or (3) of this subsection; or

14 (6) Any motor vehicle which is owned, operated, leased or under contract by a school
15 district or a private school for the transportation of school children.

16 2. **The offense of** institutional vandalism [is punishable as follows:

17 (1) institutional vandalism] is a class A misdemeanor, [except as provided in subdivisions
18 (2) and (3) of this subsection;

19 (2) Institutional vandalism is a class D felony if the offender commits any act described
20 in subsection 1 of this section which causes damage to, or loss of, the property of another in an
21 amount in excess of one thousand dollars;

22 (3) Institutional vandalism is a class C felony if the offender commits any act described
23 in subsection 1 of this section which causes damage to, or loss of, the property of another in an
24 amount in excess of five thousand dollars] **unless the value of the property damage is seven**
25 **hundred fifty dollars or more, in which case the offense is a class E felony; or the value of**
26 **the property damage is more than five thousand dollars, in which case the offense is a class**
27 **D felony.**

28 3. In determining the amount of damage to property [or loss of property], for purposes
29 of this section, damage includes the cost of repair or, where necessary, replacement of the
30 property that was damaged [or lost].

574.105. 1. As used in this section, the following terms mean:

2 (1) "Conducts", initiating, concluding or participating in initiating or concluding a
3 transaction;

4 (2) "Criminal activity", any act or activity constituting an offense punishable as a felony
5 pursuant to the laws of Missouri or the United States;

6 (3) "Currency", currency and coin of the United States;

7 (4) "Currency transaction", a transaction involving the physical transfer of currency from
8 one person to another. A transaction which is a transfer of funds by means of bank check, bank
9 draft, wire transfer or other written order, and which does not include the physical transfer of
10 currency is not a currency transaction;

11 (5) "Person", natural persons, partnerships, trusts, estates, associations, corporations and
12 all entities cognizable as legal personalities.

13 2. A person commits the [crime] **offense** of money laundering if he **or she**:

14 (1) Conducts or attempts to conduct a currency transaction with the purpose to promote
15 or aid the carrying on of criminal activity; or

16 (2) Conducts or attempts to conduct a currency transaction with the purpose to conceal
17 or disguise in whole or in part the nature, location, source, ownership or control of the proceeds
18 of criminal activity; or

19 (3) Conducts or attempts to conduct a currency transaction with the purpose to avoid
20 currency transaction reporting requirements under federal law; or

21 (4) Conducts or attempts to conduct a currency transaction with the purpose to promote
22 or aid the carrying on of criminal activity for the purpose of furthering or making a terrorist
23 threat or act.

24 3. The [crime] **offense** of money laundering is a class B felony and in addition to
25 penalties otherwise provided by law, a fine of not more than five hundred thousand dollars or
26 twice the amount involved in the transaction, whichever is greater, may be assessed.

574.115. 1. A person commits the [crime] **offense** of making a terrorist threat **in the**
2 **first degree** if such person [communicates a threat to cause an incident or condition involving
3 danger to life, communicates a knowingly false report of an incident or condition involving
4 danger to life, or knowingly causes a false belief or fear that an incident has occurred or that a
5 condition exists involving danger to life:

6 (1) With the purpose of frightening ten or more people;

7 (2) With the purpose of causing the evacuation, quarantine or closure of any portion of
8 a building, inhabitable structure, place of assembly or facility of transportation; or

9 (3) With reckless disregard of the risk of causing the evacuation, quarantine or closure
10 of any portion of a building, inhabitable structure, place of assembly or facility of transportation;
11 or

12 (4) With criminal negligence with regard to the risk of causing the evacuation,
13 quarantine or closure of any portion of a building, inhabitable structure, place of assembly or
14 facility of transportation.

15 2. Making a terrorist threat is a class C felony unless committed under subdivision (3)
16 of subsection 1 of this section in which case it is a class D felony or unless committed under
17 subdivision (4) of subsection 1 of this section in which case it is a class A misdemeanor.

18 3. For the purpose of this section, "threat" includes an express or implied threat.

19 4. A person who acts in good faith with the purpose to prevent harm does not commit
20 a crime pursuant to this section.] **with the purpose of frightening ten or more people or**
21 **causing the evacuation, quarantine or closure of any portion of a building, inhabitable**
22 **structure, place of assembly or facility of transportation and knowingly:**

23 **(1) Communicates an express or implied threat to cause an incident or condition**
24 **involving danger to life; or**

25 **(2) Communicates a false report of an incident or condition involving danger to life;**
26 **or**

27 **(3) Causes a false belief or fear that an incident has occurred or that a condition**
28 **exists involving danger to life.**

29 **2. The offense of making a terrorist threat in the first degree is a class D felony.**

30 **3. No offense is committed under this section by a person acting in good faith with**
31 **the purpose to prevent harm.**

574.120. 1. A person commits the offense of making a terrorist threat in the second
2 **degree if he or she, recklessly disregards the risk of causing the evacuation, quarantine or**
3 **closure of any portion of a building, inhabitable structure, place of assembly or facility of**
4 **transportation and knowingly:**

5 **(1) Communicates an express or implied threat to cause an incident or condition**
6 **involving danger to life; or**

7 **(2) Communicates a false report of an incident or condition involving danger to life;**
8 **or**

9 **(3) Causes a false belief or fear that an incident has occurred or that a condition**
10 **exists involving danger to life.**

11 **2. The offense of making a terrorist threat in the second degree is a class E felony.**

12 **3. No offense is committed under this section by a person acting in good faith with**
13 **the purpose to prevent harm.**

574.125. 1. A person commits the offense of making a terrorist threat in the third
2 **degree if he or she, with criminal negligence with regard to the risk of causing the**
3 **evacuation, quarantine or closure of any portion of a building, inhabitable structure, place**
4 **of assembly or facility of transportation and knowingly:**

5 **(1) Communicates an express or implied threat to cause an incident or condition**
6 **involving danger to life; or**

7 **(2) Communicates a knowingly false report of an incident or condition involving**
8 **danger to life; or**

9 **(3) Causes a false belief or fear that an incident has occurred or that a condition**
10 **exists involving danger to life.**

11 **2. The offense of making a terrorist threat in the third degree is a class A**
12 **misdemeanor.**

13 **3. No offense is committed under this section by a person acting in good faith with**
14 **the purpose to prevent harm.**

[578.008.] 574.130. 1. A person commits the [crime] offense of agroterrorism if such
2 **person purposely spreads any type of contagious, communicable or infectious disease among**
3 **crops, poultry, livestock as defined in section 267.565, or other animals.**

4 **2. Agroterrorism is a class [D] E felony unless the damage to crops, poultry, livestock**
5 **or animals is ten million dollars or more in which case it is a class B felony.**

6 **3. It shall be a defense to the crime of agroterrorism if such spreading is consistent with**
7 **medically recognized therapeutic procedures or done in the course of legitimate, professional**
8 **scientific research.**

[565.095.] 574.140. 1. [It shall be unlawful for any person or persons with the intent to
2 **intimidate any person or group of persons to burn, or cause to be burned, a cross. Any person**
3 **who shall violate any provision of this section shall be guilty of a class A misdemeanor for a first**
4 **offense and a class D felony for a second or subsequent offense] A person commits the offense**
5 **of cross burning if he or she burns, or causes to be burned, a cross with the purpose to**
6 **frighten, intimidate, or cause emotional distress to any person or group of persons.**

7 **2. [For purposes of this section, a person acts with the intent to intimidate when he or**
8 **she intentionally places or attempts to place another person in fear of physical injury or fear of**
9 **damage to property] The offense of cross burning is a class A misdemeanor, unless the**
10 **person has previously been found guilty of an offense under this section, in which case it**
11 **is a class E felony.**

574.150. 1. A person commits the offense of unlawful funeral protest if he or she
2 pickets or engages in other protest activities within three hundred (300) feet of any
3 residence, cemetery, funeral home, church, synagogue, or other establishment during or
4 within one (1) hour before or one (1) hour after the conducting of any actual funeral or
5 burial service at that place.

6 2. For purposes of this section, "other protest activities" means any action that is
7 disruptive or undertaken to disrupt or disturb a funeral or burial service.

8 3. For purposes of this section, "funeral" and "burial service" mean the ceremonies
9 and memorial services held in conjunction with the burial or cremation of the dead, but
10 this section does not apply to processions while they are in transit beyond any three
11 hundred (300) foot zone that is established under subsection (1) of this section.

12 4. The offense of unlawful funeral protest is a class B misdemeanor, unless
13 committed by a person who has previously been found guilty of a violation of this section,
14 in which case it is a class A misdemeanor.

[578.503.] **574.152.** The enactment of section [578.502] **574.151** shall become effective
2 only on the date the provisions of section [578.501] **574.150** are finally declared void or
3 unconstitutional by a court of competent jurisdiction and upon notification by the attorney
4 general to the revisor of statutes.

575.020. 1. A person commits the [crime] **offense** of concealing an offense if **he or she**:

2 (1) [He] Confers or agrees to confer any pecuniary benefit or other consideration to any
3 person in consideration of that person's concealing of any offense, refraining from initiating or
4 aiding in the prosecution of an offense, or withholding any evidence thereof; or

5 (2) [He] Accepts or agrees to accept any pecuniary benefit or other consideration in
6 consideration of his **or her** concealing any offense, refraining from initiating or aiding in the
7 prosecution of an offense, or withholding any evidence thereof.

8 2. **The offense of** concealing an offense is a class [D felony if the offense concealed is
9 a felony; otherwise concealing an offense is a class] A misdemeanor, **unless the offense**
10 **concealed a felony, in which case concealing an offense is a class E felony.**

575.021. 1. A person commits the [crime] **offense** of obstruction of an ethics
2 investigation if [such person] **he or she**, for the purpose of obstructing or preventing an ethics
3 investigation, knowingly [commits any of the following acts]:

4 (1) Confers or agrees to confer anything of pecuniary benefit to any person in direct
5 exchange for that person's concealing or withholding any information concerning any violation
6 of sections 105.450 to 105.496 and chapter 130; **or**

7 (2) [Accepting or agreeing] **Accepts or agrees** to accept anything of pecuniary benefit
8 in direct exchange for concealing or withholding any information concerning any violation of
9 sections 105.450 to 105.496 or chapter 130; **or**

10 (3) Utters or submits a false statement that the person does not believe to be true to any
11 member or employee of the Missouri ethics commission or to any official investigating any
12 violation of sections 105.450 to 105.496 or chapter 130; **or**

13 (4) Submits any writing or other documentation that is inaccurate and that the person
14 does not believe to be true to any member or employee of the Missouri ethics commission or to
15 any official investigating any violation of sections 105.450 to 105.496 or chapter 130.

16 2. It is a defense to a prosecution under subdivisions (3) and (4) of subsection 1 of this
17 section that the person retracted the false statement, writing, or other documentation, but this
18 defense shall not apply if the retraction was made after:

19 (1) The falsity of the statement, writing, or other documentation was exposed; **or**

20 (2) Any member or employee of the Missouri ethics commission or any official
21 investigating any violation of sections 105.450 to 105.496 or chapter 130 took substantial action
22 in reliance on the statement, writing, or other documentation.

23 3. The defendant shall have the burden of injecting the issue of retraction under this
24 section.

25 4. **The offense of** obstruction of an ethics investigation [under this section] is a class A
26 misdemeanor.

575.030. 1. A person commits the [crime] **offense** of hindering prosecution if, for the
2 purpose of preventing the apprehension, prosecution, conviction or punishment of another
3 **person** for conduct constituting [a crime] **an offense**, he **or she**:

4 (1) Harbors or conceals such person; **or**

5 (2) Warns such person of impending discovery or apprehension, except this does not
6 apply to a warning given in connection with an effort to bring another into compliance with the
7 law; **or**

8 (3) Provides such person with money, transportation, weapon, disguise or other means
9 to aid him in avoiding discovery or apprehension; **or**

10 (4) Prevents or obstructs, by means of force, deception or intimidation, anyone from
11 performing an act that might aid in the discovery or apprehension of such person.

12 2. **The offense of** hindering prosecution is a class [D felony if the conduct of the other
13 person constitutes a felony; otherwise hindering prosecution is a class] A misdemeanor, **unless**
14 **the conduct of the other person constitutes a felony, in which case hindering prosecution**
15 **is a class E felony.**

575.040. 1. A person commits the [crime] **offense** of perjury if, with the purpose to deceive, he **or she** knowingly testifies falsely to any material fact upon oath or affirmation legally administered, in any official proceeding before any court, public body, notary public or other officer authorized to administer oaths.

2. A fact is material, regardless of its admissibility under rules of evidence, if it could substantially affect, or did substantially affect, the course or outcome of the cause, matter or proceeding.

3. Knowledge of the materiality of the statement is not an element of this crime, and it is no defense that:

(1) The [defendant] **person** mistakenly believed the fact to be immaterial; or

(2) The [defendant] **person** was not competent, for reasons other than mental disability or immaturity, to make the statement.

4. It is a defense to a prosecution under subsection 1 of this section that the [actor] **person** retracted the false statement in the course of the official proceeding in which it was made provided he **or she** did so before the falsity of the statement was exposed. Statements made in separate hearings at separate stages of the same proceeding, including but not limited to statements made before a grand jury, at a preliminary hearing, at a deposition or at previous trial, are made in the course of the same proceeding.

5. The defendant shall have the burden of injecting the issue of retraction under subsection 4 of this section.

6. **The offense of** perjury committed in any proceeding not involving a felony charge is a class [D] **E** felony.

7. **The offense of** perjury committed in any proceeding involving a felony charge is a class [C] **D** felony unless:

(1) It is committed during a criminal trial for the purpose of securing the conviction of an accused for **any felony except** murder, in which case it is a class [A] **B** felony; or

(2) It is committed during a criminal trial for the purpose of securing the conviction of an accused for [any felony except] murder, in which case it is a class [B] **A** felony.

575.050. 1. A person commits the [crime] **offense** of making a false affidavit if, with purpose to mislead any person, he **or she**, in any affidavit, swears falsely to a fact which is material to the purpose for which said affidavit is made.

2. The provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under subsection 1 of this section.

3. It is a defense to a prosecution under subsection 1 of this section that the [actor] **person** retracted the false statement by affidavit or testimony but this defense shall not apply if the retraction was made after:

9 (1) The falsity of the statement was exposed; or

10 (2) Any person took substantial action in reliance on the statement.

11 4. The defendant shall have the burden of injecting the issue of retraction under
12 subsection 3 of this section.

13 5. **The offense of** making a false affidavit is a class [A] C misdemeanor [if] , **unless**
14 done for the purpose of misleading a public servant in the performance of his **or her** duty[;
15 otherwise making a false affidavit] , **in which case it** is a class [C] A misdemeanor.

575.060. 1. A person commits the [crime] **offense** of making a false declaration if, with
2 the purpose to mislead a public servant in the performance of his **or her** duty, [he] **such person**:

3 (1) Submits any written false statement, which he **or she** does not believe to be true:

4 (a) In an application for any pecuniary benefit or other consideration; or

5 (b) On a form bearing notice, authorized by law, that false statements made therein are
6 punishable; or

7 (2) Submits or invites reliance on

8 (a) Any writing which he **or she** knows to be forged, altered or otherwise lacking in
9 authenticity; or

10 (b) Any sample, specimen, map, boundary mark, or other object which he **or she** knows
11 to be false.

12 2. The falsity of the statement or the item under subsection 1 of this section must be as
13 to a fact which is material to the purposes for which the statement is made or the item submitted;
14 and the provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under
15 subsection 1 of this section.

16 3. It is a defense to a prosecution under subsection 1 of this section that the [actor]
17 **person** retracted the false statement or item but this defense shall not apply if the retraction was
18 made after:

19 (1) The falsity of the statement or item was exposed; or

20 (2) The public servant took substantial action in reliance on the statement or item.

21 4. The defendant shall have the burden of injecting the issue of retraction under
22 subsection 3 of this section.

23 5. For the purpose of this section, "written" shall include filings submitted in an
24 electronic or other format or medium approved or prescribed by the secretary of state.

25 6. **The offense of** making a false declaration is a class B misdemeanor.

575.070. No person shall be convicted of a violation of sections 575.040, 575.050 or
2 575.060 based upon the making of a false statement except upon proof of the falsity of the
3 statement by:

4 (1) The direct evidence of two witnesses; or

5 (2) The direct evidence of one witness together with strongly corroborating
6 circumstances; or

7 (3) Demonstrative evidence which conclusively proves the falsity of the statement; or

8 (4) A directly contradictory statement by the defendant under oath together with:

9 (a) The direct evidence of one witness; or

10 (b) Strongly corroborating circumstances; or

11 (5) A judicial admission by the defendant that he **or she** made the statement knowing
12 it was false. An admission, which is not a judicial admission, by the defendant that he **or she**
13 made the statement knowing it was false may constitute strongly corroborating circumstances.

575.080. 1. A person commits the [crime] **offense** of making a false report if he **or she**
2 knowingly:

3 (1) Gives false information to any person for the purpose of implicating another person
4 in [a crime] **an offense**; or

5 (2) Makes a false report to a law enforcement officer that [a crime] **an offense** has
6 occurred or is about to occur; or

7 (3) Makes a false report or causes a false report to be made to a law enforcement officer,
8 security officer, fire department or other organization, official or volunteer, which deals with
9 emergencies involving danger to life or property that a fire or other incident calling for an
10 emergency response has occurred or is about to occur.

11 2. It is a defense to a prosecution under subsection 1 of this section that the [actor]
12 **person** retracted the false statement or report before the law enforcement officer or any other
13 person took substantial action in reliance thereon.

14 3. The defendant shall have the burden of injecting the issue of retraction under
15 subsection 2 of this section.

16 4. **The offense of** making a false report is a class B misdemeanor.

575.090. 1. A person commits the [crime] **offense** of making a false bomb report if he
2 **or she** knowingly makes a false report or causes a false report to be made to any person that a
3 bomb or other explosive has been placed in any public or private place or vehicle.

4 2. Making a false bomb report is a class [D] **E** felony.

[565.084.] **575.095.** 1. A person commits the [crime] **offense** of tampering with a
2 judicial officer if, with the purpose to harass, intimidate or influence a judicial officer in the
3 performance of such officer's official duties, such person:

4 (1) Threatens or causes harm to such judicial officer or members of such judicial officer's
5 family;

6 (2) Uses force, threats, or deception against or toward such judicial officer or members
7 of such judicial officer's family;

8 (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial
9 officer or such judicial officer's family;

10 (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or
11 such judicial officer's family, including stalking pursuant to section 565.225 **or 565.227.**

12 2. A judicial officer for purposes of this section shall be a judge, arbitrator, special
13 master, juvenile officer, deputy juvenile officer, state prosecuting or circuit attorney, state
14 assistant prosecuting or circuit attorney, juvenile court commissioner, state probation or parole
15 officer, or referee.

16 3. A judicial officer's family for purposes of this section shall be:

17 (1) Such officer's spouse; or

18 (2) Such officer or such officer's spouse's ancestor or descendant by blood or adoption;
19 or

20 (3) Such officer's stepchild, while the marriage creating that relationship exists.

21 4. **The offense of** tampering with a judicial officer is a class [C] **D** felony.

575.100. 1. A person commits the [crime] **offense** of tampering with physical evidence
2 if he **or she**:

3 (1) Alters, destroys, suppresses or conceals any record, document or thing with purpose
4 to impair its verity, legibility or availability in any official proceeding or investigation; or

5 (2) Makes, presents or uses any record, document or thing knowing it to be false with
6 **the** purpose to mislead a public servant who is or may be engaged in any official proceeding or
7 investigation.

8 2. **The offense of** tampering with physical evidence is a class [D] felony if the actor
9 impairs or obstructs the prosecution or defense of a felony; otherwise, tampering with physical
10 evidence is a class] A misdemeanor, **unless the person impairs or obstructs the prosecution**
11 **or defense of a felony, in which case tampering with physical evidence is a class E felony.**

575.110. 1. A person commits the [crime] **offense** of tampering with a public record if
2 with the purpose to impair the verity, legibility or availability of a public record, **he or she**:

3 (1) [He] Knowingly makes a false entry in or falsely alters any public record; or

4 (2) Knowing he **or she** lacks authority to do so, [he] destroys, suppresses or conceals any
5 public record.

6 2. **The offense of** tampering with a public record is a class A misdemeanor.

575.120. 1. A person commits the [crime] **offense** of false impersonation if such person:

2 (1) Falsely represents himself or herself to be a public servant with **the** purpose to induce
3 another to submit to his or her pretended official authority or to rely upon his or her pretended
4 official acts, and

5 (a) Performs an act in that pretended capacity; or

6 (b) Causes another to act in reliance upon his or her pretended official authority;

7 (2) Falsely represents himself or herself to be a person licensed to practice or engage in
8 any profession for which a license is required by the laws of this state with purpose to induce
9 another to rely upon such representation, and

10 (a) Performs an act in that pretended capacity; or

11 (b) Causes another to act in reliance upon such representation; or

12 (3) Upon being arrested, falsely represents himself or herself, to a law enforcement
13 officer, with the first and last name, date of birth, or Social Security number, or a substantial
14 number of identifying factors or characteristics as that of another person that results in the filing
15 of a report or record of arrest or conviction for an infraction[, misdemeanor, or felony] **or offense**
16 that contains the first and last name, date of birth, and Social Security number, or a substantial
17 number of identifying factors or characteristics to that of such other person as to cause such other
18 person to be identified as the actual person arrested or convicted.

19 2. If a violation of subdivision (3) of subsection 1 of this section is discovered prior to
20 any conviction of the person actually arrested for an underlying charge, then the prosecuting
21 attorney, bringing any action on the underlying charge, shall notify the court thereof, and the
22 court shall order the false-identifying factors ascribed to the person actually arrested as are
23 contained in the arrest and court records amended to correctly and accurately identify the
24 defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and
25 court records.

26 3. If a violation of subdivision (3) of subsection 1 of this section is discovered after any
27 conviction of the person actually arrested for an underlying charge, then the prosecuting attorney
28 of the county in which the conviction occurred shall file a motion in the underlying case with the
29 court to correct the arrest and court records after discovery of the fraud upon the court. The court
30 shall order the false identifying factors ascribed to the person actually arrested as are contained
31 in the arrest and court records amended to correctly and accurately identify the defendant and
32 shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.

33 4. Any person who is the victim of a false impersonation and whose identity has been
34 falsely reported in arrest or conviction records may move for expungement and correction of said
35 records under the procedures set forth in section 610.123. Upon a showing that a substantial
36 number of identifying factors of the victim was falsely ascribed to the person actually arrested
37 or convicted, the court shall order the false identifying factors ascribed to the person actually
38 arrested as are contained in the arrest and court records amended to correctly and accurately
39 identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and
40 court records.

41 5. **The offense of** false impersonation is a class B misdemeanor unless the person
42 represents himself **or herself** to be a law enforcement officer in which case [false impersonation]
43 **it** is a class A misdemeanor.

 575.130. 1. A person commits the [crime] **offense** of simulating legal process if, with
2 purpose to mislead the recipient and cause him **or her** to take action in reliance thereon, he **or**
3 **she** delivers or causes to be delivered:

4 (1) A request for the payment of money on behalf of any creditor that in form and
5 substance simulates any legal process issued by any court of this state; or

6 (2) Any purported summons, subpoena or other legal process knowing that the process
7 was not issued or authorized by any court.

8 2. This section shall not apply to a subpoena properly issued by a notary public.

9 3. [Simulating legal process is a class B misdemeanor.

10 4. No person shall file] **A person commits the offense of filing a nonconsensual**
11 **common law lien if he or she files** a nonconsensual common law lien as defined in section
12 428.105.

13 [5. A violation of subsection 4 of this section is a class B misdemeanor.

14 6.] **4.** Subsection [4] **3** of this section shall not apply to a filing officer as defined in
15 section 428.105 that is acting in the scope of **his or her** employment.

16 **5. The offense of simulating legal process or filing a nonconsensual common law**
17 **lien is a class B misdemeanor.**

 575.145. 1. It shall be the duty of the operator or driver of any vehicle **or any other**
2 **conveyance regardless of means of propulsion**, or the rider of any animal traveling on the
3 highways of this state to stop on signal of any [sheriff or deputy sheriff] **law enforcement officer**
4 and to obey any other reasonable signal or direction of such [sheriff or deputy sheriff] **law**
5 **enforcement officer** given in directing the movement of traffic on the highways[. Any person
6 who] **or enforcing any offense or infraction.**

7 **2. The offense of** willfully [fails or refuses] **failing or refusing** to obey such signals or
8 directions or [who] willfully [resists or opposes a sheriff or deputy sheriff] **resisting or opposing**
9 **a law enforcement officer** in the proper discharge of his or her duties [shall be guilty of] **is** a
10 class A misdemeanor [and on conviction thereof shall be punished as provided by law for such
11 offenses].

 575.150. 1. A person commits the [crime] **offense** of resisting or interfering with arrest,
2 detention, or stop if[, knowing] **he or she knows or reasonably should know** that a law
3 enforcement officer is making an arrest[, or attempting to lawfully detain or stop an individual
4 or vehicle, [or the person reasonably should know that a law enforcement officer is making an
5 arrest or attempting to lawfully detain or lawfully stop an individual or vehicle,] **and** for the

6 purpose of preventing the officer from effecting the arrest, stop or detention, [the person] **he or**
7 **she**:

8 (1) Resists the arrest, stop or detention of such person by using or threatening the use of
9 violence or physical force or by fleeing from such officer; or

10 (2) Interferes with the arrest, stop or detention of another person by using or threatening
11 the use of violence, physical force or physical interference.

12 2. This section applies to:

13 (1) Arrests, stops, or detentions, with or without warrants;

14 (2) Arrests, stops, or detentions, for any [crime] **offense**, infraction, or ordinance
15 violation; and

16 (3) Arrests for warrants issued by a court or a probation and parole officer.

17 3. A person is presumed to be fleeing a vehicle stop if [that person] **he or she** continues
18 to operate a motor vehicle after [that person] **he or she** has seen or should have seen clearly
19 visible emergency lights or has heard or should have heard an audible signal emanating from the
20 law enforcement vehicle pursuing [that person] **him or her**.

21 4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law
22 enforcement officer was acting unlawfully in making the arrest. However, nothing in this section
23 shall be construed to bar civil suits for unlawful arrest.

24 5. **The offense of** resisting or interfering with an arrest is a class [D] **E** felony for an
25 arrest for a:

26 (1) Felony; **or**

27 (2) Warrant issued for failure to appear on a felony case; or

28 (3) Warrant issued for a probation violation on a felony case.

29

30 **The offense of** resisting an arrest, detention or stop [by fleeing in such a manner that the person
31 fleeing creates a substantial risk of serious physical injury or death to any person is a class D
32 felony; otherwise, resisting or interfering with an arrest, detention or stop] in violation of
33 subdivision (1) or (2) of subsection 1 of this section is a class A misdemeanor, **unless the person**
34 **fleeing creates a substantial risk of serious physical injury or death to any person, in which**
35 **case it is a class E felony.**

575.153. 1. A person commits the [crime] **offense** of disarming a peace officer, as
2 defined in section 590.100, or a correctional officer if [such person] **he or she** intentionally:

3 (1) Removes a firearm or other deadly weapon from the person of a peace officer or
4 correctional officer while such officer is acting within the scope of his or her official duties; or

5 (2) Deprives a peace officer or correctional officer of such officer's use of a firearm or
6 deadly weapon while the officer is acting within the scope of his or her official duties.

7 2. The provisions of this section shall not apply when:

8 (1) The [defendant] **person** does not know or could not reasonably have known that the
9 person he or she disarmed was a peace officer or correctional officer; or

10 (2) The peace officer or correctional officer was engaged in an incident involving
11 felonious conduct by the peace officer or correctional officer at the time the [defendant] **person**
12 disarmed such officer.

13 3. **The offense of** disarming a peace officer or correctional officer is a class [C] **D**
14 felony.

 [565.085.] **575.155.** 1. An offender or prisoner commits the [crime] **offense** of
2 endangering a corrections employee, a visitor to a correctional [facility] **center, county or city**
3 **jail**, or another offender or prisoner if he or she attempts to cause or knowingly causes such
4 person to come into contact with blood, seminal fluid, urine, feces, or saliva.

5 2. For the purposes of this section, the following terms mean:

6 (1) "Corrections employee", a person who is an employee, or contracted employee of a
7 subcontractor, of a department or agency responsible for operating a jail, prison, correctional
8 facility, or sexual offender treatment center or a person who is assigned to work in a jail, prison,
9 correctional facility, or sexual offender treatment center;

10 (2) "Offender", a person in the custody of the department of corrections;

11 (3) "Prisoner", a person confined in a county or city jail.

12 3. **The offense of** endangering a corrections employee, a visitor to a correctional
13 [facility] **center, county or city jail**, or another offender or prisoner is a class [D] **E** felony
14 unless the substance is unidentified in which case it is a class A misdemeanor. If an offender or
15 prisoner is knowingly infected with the human immunodeficiency virus (HIV), hepatitis B or
16 hepatitis C and exposes another person **to** HIV or hepatitis B or hepatitis C by committing the
17 [crime] **offense** of endangering a corrections employee, a visitor to a correctional facility, or
18 another offender or prisoner, it is a class [C] **D** felony.

 [565.086.] **575.157.** 1. An offender commits the [crime] **offense** of endangering a
2 department of mental health employee, a visitor or other person at a secure facility, or another
3 offender if he or she attempts to cause or knowingly causes such individual to come into contact
4 with blood, seminal fluid, urine, feces, or saliva.

5 2. For purposes of this section, the following terms mean:

6 (1) "Department of mental health employee", a person who is an employee of the
7 department of mental health, an employee or contracted employee of a subcontractor of the
8 department of mental health, or an employee or contracted employee of a subcontractor of an
9 entity responsible for confining offenders as authorized by section 632.495;

10 (2) "Offender", persons ordered to the department of mental health after a determination
11 by the court that such persons may meet the definition of a sexually violent predator, persons
12 ordered to the department of mental health after a finding of probable cause under section
13 632.489, and persons committed for control, care, and treatment by the department of mental
14 health under sections 632.480 to 632.513;

15 (3) "Secure facility", a facility operated by the department of mental health or an entity
16 responsible for confining offenders as authorized by section 632.495.

17 3. **The offense of** endangering a department of mental health employee, a visitor or other
18 person at a secure facility, or another offender is a class [D] E felony [unless the substance is
19 unidentified, in which case it is a class A misdemeanor]. If an offender is knowingly infected
20 with the human immunodeficiency virus (HIV), hepatitis B, or hepatitis C and exposes another
21 individual to HIV or hepatitis B or hepatitis C by committing the [crime] **offense** of endangering
22 a department of mental health employee, a visitor or other person at a mental health facility, or
23 another offender, [it] the offense is a class [C] D felony.

575.159. 1. A person commits the [crime] **offense** of aiding a sexual offender if [such
2 person] **he or she** knows that another person is a convicted sexual offender who is required to
3 register as a sexual offender and has reason to believe that such sexual offender is not complying,
4 or has not complied with the requirements of sections 589.400 to 589.425, and who, with the
5 intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find
6 the sexual offender to question the offender about, or to arrest the offender for, his or her
7 noncompliance with the requirements of sections 589.400 to 589.425:

8 (1) Withholds information from or does not notify the law enforcement agency about the
9 sexual offender's noncompliance with the requirements of sections 589.400 to 589.425, and, if
10 known, the whereabouts of the sexual offender;

11 (2) Harbors or attempts to harbor or assists another person in harboring or attempting
12 to harbor the sexual offender;

13 (3) Conceals or attempts to conceal or assists another person in concealing or attempting
14 to conceal the sexual offender; or

15 (4) Provides information to the law enforcement agency regarding the sexual offender
16 which [the person] **he or she** knows to be false information.

17 2. [Aiding a sexual offender is a class D felony.

18 3.] The provisions of this section do not apply if the sexual offender is incarcerated in,
19 or is in the custody of, a state correctional facility, a private correctional facility, a local jail, or
20 a federal correctional facility.

21 3. **The offense of aiding a sexual offender is a class E felony.**

575.160. 1. A person commits the [crime] **offense** of interference with legal process if, knowing [any] **another** person is authorized by law to serve process, **he or she interferes with or obstructs such person** for the purpose of preventing such person from effecting the service of any process[, he interferes with or obstructs such person].

2. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

3. **The offense of** interference with legal process is a class B misdemeanor.

575.170. 1. [Any] **An** employer, or [any] agent who is in charge of a business establishment, commits the [crime] **offense** of refusing to make an employee available for service of process if he **or she** knowingly refuses to assist any officer authorized by law to serve process who calls at such business establishment during the working hours of an employee for the purpose of serving process on such employee, by failing or refusing to make such employee available for service of process.

2. **The offense of** refusing to make an employee available for service of process is a class C misdemeanor.

575.180. 1. A law enforcement officer commits the [crime] **offense** of failure to execute an arrest warrant if, with the purpose of allowing any person charged with or convicted of a crime to escape, he **or she** fails to execute any arrest warrant, capias, or other lawful process ordering apprehension or confinement of such person, which he **or she** is authorized and required by law to execute.

2. **The offense of** failure to execute an arrest warrant is a class [D felony if the offense involved is a felony; otherwise, failure to execute an arrest warrant is a class] A misdemeanor, **unless the offense involved is a felony, in which case failure to execute an arrest warrant is a class E felony.**

575.190. 1. A person commits the [crime] **offense** of refusal to identify as a witness if, knowing he **or she** has witnessed any portion of [a crime] **an offense**, or of any other incident resulting in physical injury or substantial property damage, [upon demand by a law enforcement officer engaged in the performance of his official duties,] he **or she** refuses to report or gives a false report of his **or her** name and present address to [such] **a law enforcement officer engaged in the performance of his or her duties.**

2. **The offense of** refusal to identify as a witness is a class C misdemeanor.

575.195. 1. A person commits the [crime] **offense** of escape from commitment, detention, or conditional release if he or she has been committed to a state mental hospital under the provisions of sections 552.010 to 552.080 or sections 632.480 to 632.513, or has been ordered to be taken into custody, detained, or held pursuant to sections 632.480 to 632.513, or as provided by section 632.475, has been committed to the department of mental health as a

6 criminal sexual psychopath under statutes in effect before August 13, 1980, or has been granted
7 a conditional release under the provisions of sections 552.010 to 552.080 or sections 632.480 to
8 632.513, and he or she escapes from such commitment, detention, or conditional release.

9 2. **The offense of** escape from commitment, detention, or conditional release is a class
10 [D] E felony.

 575.200. 1. A person commits the [crime] **offense** of escape from custody or attempted
2 escape from custody if, while being held in custody after arrest for any crime, he **or she** escapes
3 or attempts to escape from custody.

4 2. **The offense of** escape or attempted escape from custody is a class A misdemeanor
5 unless:

6 (1) [It is effected or attempted by means of a deadly weapon or dangerous instrument or
7 by holding any person as hostage, in which case escape or attempted escape from custody is a
8 class A felony;

9 (2)] The person escaping or attempting to escape is under arrest for a felony, in which
10 case [escape from custody] it is a class [D] E felony; **or**

11 **(2) The offense is committed by means of a deadly weapon or dangerous instrument**
12 **or by holding any person as hostage, in which case it is a class A felony.**

 575.205. 1. A person commits the [crime] **offense** of tampering with electronic
2 monitoring equipment if [the person] **he or she** intentionally removes, alters, tampers with,
3 damages, or destroys electronic monitoring equipment which a court or the board of probation
4 and parole has required such person to wear.

5 2. This section does not apply to the owner of the equipment or an agent of the owner
6 who is performing ordinary maintenance or repairs on the equipment.

7 3. The [crime] **offense** of tampering with electronic monitoring equipment is a class [C]
8 **D** felony.

 575.206. 1. A person commits the [crime] **offense** of violating a condition of lifetime
2 supervision if [the person] **he or she** knowingly violates a condition of probation, parole, or
3 conditional release when such condition was imposed by an order of a court under section
4 559.106 or an order of the board of probation and parole under section 217.735.

5 2. The [crime] **offense** of violating a condition of lifetime supervision is a class [C] **D**
6 felony.

 575.210. 1. A person commits the [crime] **offense** of escape or attempted escape from
2 confinement if, while being held in confinement after arrest for any [crime] **offense**, while
3 serving a sentence after conviction for any [crime] **offense**, or while at an institutional treatment
4 center operated by the department of corrections as a condition of probation or parole, [such
5 person] **he or she** escapes or attempts to escape from confinement.

6 2. **The offense of** escape or attempted escape from confinement in the department of
7 corrections is a class B felony.

8 3. **The offense of** escape or attempted escape from confinement in a county or private
9 jail or city or county correctional facility is a class [D] E felony [except that it is] **unless:**

10 (1) [A class A felony if it is effected or attempted by means of a deadly weapon or
11 dangerous instrument or by holding any person as hostage] **The offense is facilitated by**
12 **striking or beating any person, in which case it is a class D felony;**

13 (2) [A class C felony if the escape or attempted escape is facilitated by striking or beating
14 any person] **The offense is committed by means of a deadly weapon or dangerous**
15 **instrument or by holding any person as hostage, in which case it is a class A felony.**

 575.220. 1. A person commits the [crime] **offense** of failure to return to confinement
2 if, while serving a sentence for any [crime] **offense** under a work-release program, or while under
3 sentence of any [crime] **offense** to serve a term of confinement which is not continuous, or while
4 serving any other type of sentence for any [crime] **offense** wherein he or she is temporarily
5 permitted to go at large without guard, he or she purposely fails to return to confinement when
6 he or she is required to do so.

7 2. This section does not apply to persons who are free on bond, bail or recognizance,
8 personal or otherwise, nor to persons who are on probation or parole, temporary or otherwise.

9 3. **The offense of** failure to return to confinement is a class C misdemeanor unless:

10 (1) The sentence being served is [to the Missouri department of corrections and human
11 resources, in which case failure to return to confinement is a class D felony] **one of confinement**
12 **in a county or private jail on conviction of a felony, in which case it is a class A**
13 **misdemeanor;** or

14 (2) The sentence being served is [one of confinement in a county or private jail on
15 conviction of a felony, in which case failure to return to confinement is a class A misdemeanor]
16 **to the Missouri department of corrections, in which case it is a class E felony.**

 575.230. 1. A person commits the [crime] **offense** of aiding escape of a prisoner if [the
2 person] **he or she:**

3 (1) Introduces into any place of confinement any deadly weapon or dangerous
4 instrument, or other thing adapted or designed for use in making an escape, with the purpose of
5 facilitating the escape of any prisoner confined therein, or of facilitating the commission of any
6 other [crime] **offense;** or

7 (2) Assists or attempts to assist any prisoner who is being held in custody or confinement
8 for the purpose of effecting the prisoner's escape from custody or confinement.

9 2. [Aiding escape of a prisoner by introducing a deadly weapon or dangerous instrument
10 into a place of confinement is a class B felony. Aiding escape of a prisoner being held in custody

11 or confinement on the basis of a felony charge or conviction is a class B felony. Otherwise,
12 aiding escape of a prisoner is a class A misdemeanor.] **The offense of aiding escape of a**
13 **prisoner is a class A misdemeanor, unless committed by introducing a deadly weapon or**
14 **dangerous instrument into a place of confinement or aiding escape of a prisoner being held**
15 **in custody or confinement on the basis of a felony charge or conviction, in which case it is**
16 **a class B felony.**

575.240. 1. A public servant, contract employee of a county or private jail, or employee
2 of a private jail who is authorized and required by law to have charge of any person charged with
3 or convicted of any [crime] **offense** commits the [crime] **offense** of permitting escape if he **or**
4 **she** knowingly:

5 (1) Suffers, allows or permits any deadly weapon or dangerous instrument, or anything
6 adapted or designed for use in making an escape, to be introduced into or allowed to remain in
7 any place of confinement, in violation of law, regulations or rules governing the operation of the
8 place of confinement; or

9 (2) Suffers, allows or permits a person in custody or confinement to escape.

10 2. **The offense of** permitting escape [by suffering, allowing or permitting any deadly
11 weapon or dangerous instrument to be introduced into a place of confinement is a class B felony;
12 otherwise, permitting escape] is a class [D] E felony, **unless committed by suffering, allowing,**
13 **or permitting any deadly weapon or dangerous instrument to be introduced into a place**
14 **of confinement, in which case it is a class B felony.**

575.250. 1. A person commits the [crime] **offense** of disturbing a judicial proceeding
2 if, with **the** purpose to intimidate a judge, attorney, juror, party or witness[,] and thereby [to]
3 influence a judicial proceeding, he **or she** disrupts or disturbs a judicial proceeding by
4 participating in an assembly and calling aloud, shouting, or holding or displaying a placard or
5 sign containing written or printed matter, concerning the conduct of the judicial proceeding, or
6 the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling
7 for or demanding any specified action or determination by such judge, attorney, juror, party, or
8 witness in connection with such proceeding.

9 2. **The offense of** disturbing a judicial proceeding is a class A misdemeanor.

575.260. 1. A person commits the [crime] **offense** of tampering with a judicial
2 proceeding if, with **the** purpose to influence the official action of a judge, juror, special master,
3 referee, arbitrator, state prosecuting or circuit attorney, state assistant prosecuting or circuit
4 attorney, or attorney general in a judicial proceeding, he or she:

5 (1) Threatens or causes harm to any person or property; or

6 (2) Engages in conduct reasonably calculated to harass or alarm such official or juror;
7 or

8 (3) Offers, confers, or agrees to confer any benefit, direct or indirect, upon such official
9 or juror.

10 2. **The offense of** tampering with a judicial proceeding is a class [C] **D** felony.

575.270. 1. A person commits the [crime] **offense** of tampering with a witness if, with
2 **the** purpose to induce a witness or a prospective witness to disobey a subpoena or other legal
3 process, [or to] absent himself or **herself**, avoid subpoena or other legal process, [or to] withhold
4 evidence, information, or documents, or [to] testify falsely, he **or she**:

5 (1) Threatens or causes harm to any person or property; or

6 (2) Uses force, threats or deception; or

7 (3) Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness;
8 or

9 (4) Conveys any of the foregoing to another in furtherance of a conspiracy.

10 2. A person commits the [crime] **offense** of "victim tampering" if[, with purpose to do
11 so,] he **or she purposely** prevents or dissuades or attempts to prevent or dissuade any person
12 who has been a victim of any crime or a person who is acting on behalf of any such victim from:

13 (1) Making any report of such victimization to any peace officer, [or] state, local or
14 federal law enforcement officer [or] , prosecuting agency, or [to] any judge;

15 (2) Causing a complaint, indictment or information to be sought and prosecuted or
16 assisting in the prosecution thereof;

17 (3) Arresting or causing or seeking the arrest of any person in connection with such
18 victimization.

19 3. **The offense of** tampering with a witness [in a prosecution, tampering with a witness
20 with purpose to induce the witness to testify falsely,] or victim [tampering] is a class [C felony
21 if the original charge is a felony. Otherwise, tampering with a witness or victim tampering is a
22 class] A misdemeanor, **unless the original charge is a felony, in which case tampering with**
23 **a witness or victim is a class D felony**. Persons convicted under this section shall not be
24 eligible for parole.

575.280. 1. A person commits the [crime] **offense** of acceding to corruption if **he or**
2 **she**:

3 (1) [He] Is a judge, juror, special master, referee or arbitrator and knowingly solicits,
4 accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding
5 that it will influence his **or her** official action in a judicial proceeding pending in any court or
6 before such official or juror;

7 (2) [He] Is a witness or prospective witness in any official proceeding and knowingly
8 solicits, accepts, or agrees to accept any benefit, direct or indirect, on the representation or
9 understanding that he **or she** will disobey a subpoena or other legal process, [or] absent himself

10 or **herself**, avoid subpoena or other legal process, [or] withhold evidence, information or
11 documents, or testify falsely.

12 2. **The offense of** acceding to corruption [under subdivision (1) of subsection 1 of this
13 section is a class C felony.

14 3. Acceding to corruption under subdivision (2) of subsection 1 of this section in a felony
15 prosecution, or on the representation or understanding of testifying falsely is a class D felony.
16 Otherwise, acceding to corruption] is a class A misdemeanor, **unless committed under**
17 **subdivision (1) of subsection 1 of this section, in which case it is a class C felony; or**
18 **committed under subdivision (2) of subsection 1 of this section in a felony prosecution, or**
19 **on the representation or understanding of testifying falsely, in which case it is a class E**
20 **felony.**

575.290. 1. A person commits the [crime] **offense** of improper communication if he **or**
2 **she** communicates, directly or indirectly, with any juror, special master, referee, or arbitrator in
3 a judicial proceeding, other than as part of the proceedings in a case, for the purpose of
4 influencing the official action of such person.

5 2. **The offense of** improper communication is a class B misdemeanor.

575.300. 1. A [person] **juror** commits the [crime] **offense** of misconduct by a juror if[,
2 being a juror,] he **or she** knowingly:

3 (1) Promises or agrees, prior to the submission of a cause to the jury for deliberation, to
4 vote for or agree to a verdict for or against any party in a judicial proceeding; or

5 (2) Receives any paper, evidence or information from anyone in relation to any judicial
6 proceeding for the trial of which he has been or may be sworn, without the authority of the court
7 or officer before whom such proceeding is pending, and does not immediately disclose the same
8 to such court or officer.

9 2. **The offense of** misconduct by a juror is a class A misdemeanor.

575.310. 1. A public servant authorized by law to select or summon any juror commits
2 the [crime] **offense** of misconduct in selecting or summoning a juror if he **or she** knowingly acts
3 unfairly, improperly or not impartially in selecting or summoning any person or persons to be
4 a member or members of a jury.

5 2. **The offense of** misconduct in selecting or summoning a juror is a class B
6 misdemeanor.

575.320. 1. A public servant, in his **or her** public capacity or under color of his **or her**
2 office or employment, commits the [crime] **offense** of misconduct in administration of justice
3 if **he or she**:

4 (1) [He] Is charged with the custody of any person accused or convicted of any [crime]
5 **offense** or municipal ordinance violation and he **or she** coerces, threatens, abuses or strikes such
6 person for the purpose of securing a confession from him **or her**;

7 (2) [He] Knowingly seizes or levies upon any property or dispossesses anyone of any
8 lands or tenements without due and legal process, or other lawful authority; **or**

9 (3) [He] Is a judge and knowingly accepts a plea of guilty from any person charged with
10 a violation of a statute or ordinance at any place other than at the place provided by law for
11 holding court by such judge; **or**

12 (4) [He] Is a jailer or keeper of a county jail and knowingly refuses to receive, in the jail
13 under his **or her** charge, any person lawfully committed to such jail on any criminal charge or
14 criminal conviction by any court of this state, or on any warrant and commitment or capias on
15 any criminal charge issued by any court of this state; **or**

16 (5) [He] Is a law enforcement officer and violates the provisions of section 544.170 by
17 knowingly:

18 (a) Refusing to release any person in custody who is entitled to such release; or

19 (b) Refusing to permit a person in custody to see and consult with counsel or other
20 persons; or

21 (c) Transferring any person in custody to the custody or control of another, or to another
22 place, for the purpose of avoiding the provisions of that section; or

23 (d) [Preferring] **Proffering** against any person in custody a false charge for the purpose
24 of avoiding the provisions of that section;

25 (6) [He] Orders or suggests to an employee of a county of the first class having a charter
26 form of government with a population over nine hundred thousand and not containing any part
27 of a city of three hundred fifty thousand or more inhabitants that such employee shall issue a
28 certain number of traffic citations on a daily, weekly, monthly, quarterly, yearly or other quota
29 basis, except when such employee is assigned exclusively to traffic control and has no other
30 responsibilities or duties.

31 2. **The offense of** misconduct in the administration of justice is a class A misdemeanor.

575.353. 1. A person commits the [crime] **offense** of assault on a police animal [when
2 such person] **if he or she** knowingly attempts to kill or disable or knowingly causes or attempts
3 to cause serious physical injury to a police animal when that animal is involved in law
4 enforcement investigation, apprehension, tracking, or search, or the animal is in the custody of
5 or under the control of a law enforcement officer, department of corrections officer, municipal
6 police department, fire department or a rescue unit or agency.

7 2. **The offense of** assault on a police animal is a class C misdemeanor, **unless the**
8 **assault results in the death of such animal or disables such animal to the extent it is unable**
9 **to be utilized as a police animal, in which case it is a class E felony.**

 576.010. 1. A person commits the [crime] **offense** of bribery of a public servant if he
2 **or she** knowingly offers, confers or agrees to confer upon any public servant any benefit, direct
3 or indirect, in return for:

4 (1) The recipient's official vote, opinion, recommendation, judgment, decision, action
5 or exercise of discretion as a public servant; or

6 (2) The recipient's violation of a known legal duty as a public servant.

7 2. It is no defense that the recipient was not qualified to act in the desired way because
8 **he or she** had not yet assumed office, or lacked jurisdiction, or for any other reason.

9 3. **The offense of** bribery of a public servant is a class [D] **E felony.**

 576.020. 1. A public servant commits the [crime] **offense** of acceding to corruption if
2 **he or she** knowingly solicits, accepts or agrees to accept any benefit, direct or indirect, in return
3 for **his or her**:

4 (1) [His] Official vote, opinion, recommendation, judgment, decision, action or exercise
5 of discretion as a public servant; or

6 (2) [His] Violation of a known legal duty as a public servant.

7 2. **The offense of** acceding to corruption by a public servant is a class [D] **E felony.**

 576.030. 1. A person commits the [crime] **offense** of obstructing government operations
2 if **he or she** purposely obstructs, impairs, hinders or perverts the performance of a governmental
3 function by the use or threat of violence, force, or other physical interference or obstacle.

4 2. **The offense of** obstructing government operations is a class B misdemeanor.

 576.040. 1. A public servant, in [his] **such person's** public capacity or under color of
2 [his] **such person's** office or employment, commits the [crime] **offense** of official misconduct
3 if **he or she**:

4 (1) [He] Knowingly discriminates against any employee or any applicant for employment
5 on account of race, creed, color, sex or national origin, provided such employee or applicant
6 possesses adequate training and educational qualifications; **or**

7 (2) [He] Knowingly demands or receives any fee or reward for the execution of any
8 official act or the performance of a duty imposed by law or by the terms of his **or her**
9 employment, that is not due, or that is more than is due, or before it is due; **or**

10 (3) [He] Knowingly collects taxes when none are due, or exacts or demands more than
11 is due; **or**

12 (4) [He] Is a city or county treasurer, city or county clerk, or other municipal or county
13 officer[, or judge of a municipal or county commission,] and knowingly orders the payment of

14 any money, or draws any warrant, or pays over any money for any purpose other than the specific
15 purpose for which the same was assessed, levied and collected, unless it is or shall have become
16 impossible to use such money for that specific purpose; **or**

17 (5) [He] Is an officer or employee of any court and knowingly charges, collects or
18 receives less fee for his services than is provided by law;

19 (6) [He] Is an officer or employee of any court and knowingly, directly or indirectly,
20 buys, purchases or trades for any fee taxed or to be taxed as costs in any court of this state, or any
21 county warrant, at less than par value which may be by law due or to become due to any person
22 by or through any such court;

23 (7) [He] Is a county officer, deputy or employee and knowingly traffics for or purchases
24 at less than the par value or speculates in any [court] **county** warrant issued by order of the
25 county commission of his **or her** county, or in any claim or demand held against such county.

26 2. **The offense of** official misconduct is a class A misdemeanor.

576.050. 1. A public servant commits the [crime] **offense** of misuse of official
2 information if, in contemplation of official action by himself or herself or by a governmental unit
3 with which he or she is associated, or in reliance on information to which he or she has access
4 in his or her official capacity and which has not been made public, he or she knowingly:

5 (1) Acquires a pecuniary interest in any property, transaction, or enterprise which may
6 be affected by such information or official action; or

7 (2) Speculates or wagers on the basis of such information or official action; or

8 (3) Aids, advises or encourages another to do any of the foregoing with purpose of
9 conferring a pecuniary benefit on any person.

10 2. A person commits the [crime] **offense** of misuse of official information if he or she
11 [knowingly or] recklessly obtains or discloses information from the Missouri uniform law
12 enforcement system (MULES) or the National Crime Information Center System (NCIC), or any
13 other criminal justice information sharing system that contains individually identifiable
14 information for private or personal use, or for a purpose other than in connection with their
15 official duties and performance of their job.

16 3. **The offense of** misuse of official information is a class A misdemeanor.

576.060. 1. A person commits the [crime] **violation** of failure to give a tax list if, when
2 requested by a government assessor, he **or she** knowingly fails to give a true list of all his **or her**
3 taxable property, or to take and subscribe an oath or affirmation to such list as required by law.

4 2. Failure to give a tax list is an infraction.

576.070. 1. A person owing allegiance to the state commits **the offense of** treason if he
2 **or she** purposely levies war against the state, or adheres to its enemies by giving them aid and
3 comfort.

4 2. No person shall be convicted of treason unless one or more overt acts are alleged in
5 the indictment or information.

6 3. In a trial on a charge of treason, no evidence shall be given of any overt act that is not
7 specifically alleged in the indictment or information.

8 4. No person shall be convicted of treason except upon the direct evidence of two or
9 more witnesses to the same overt act, or upon his **or her** confession under oath in open court.

10 5. **The offense of** treason is a class A felony.

576.080. 1. A person commits the [crime] **offense** of supporting terrorism if such person
2 knowingly provides material support to any organization designated as a foreign terrorist
3 organization pursuant to 8 U.S.C. 1189, as amended and acts recklessly with regard to whether
4 such organization had been designated as a foreign terrorist organization pursuant to 8 U.S.C.
5 1189.

6 2. For the purpose of this section, "material support" includes currency or other financial
7 securities, financial services, lodging, training, safehouses, false documentation or identification,
8 communications equipment, facilities, weapons, lethal substances, explosives, personnel,
9 transportation and other physical assets, except medicine or religious materials.

10 3. **The offense of** supporting terrorism is a class [C] **D** felony.

577.001. 1. As used in this chapter, [the term "court" means any circuit, associate
2 circuit, or municipal court, including traffic court, but not any juvenile court or drug court.

3 2. As used in this chapter, the term "drive", "driving", "operates" or "operating" means
4 physically driving or operating a motor vehicle.

5 3. As used in this chapter, a person is in an "intoxicated condition" when he is under the
6 influence of alcohol, a controlled substance, or drug, or any combination thereof.

7 4. As used in this chapter, the term "law enforcement officer" or "arresting officer"
8 includes the definition of law enforcement officer in subdivision (17) of section 556.061 and
9 military policemen conducting traffic enforcement operations on a federal military installation
10 under military jurisdiction in the state of Missouri.

11 5. As used in this chapter, "substance abuse traffic offender program" means a program
12 certified by the division of alcohol and drug abuse of the department of mental health to provide
13 education or rehabilitation services pursuant to a professional assessment screening to identify
14 the individual needs of the person who has been referred to the program as the result of an
15 alcohol- or drug-related traffic offense. Successful completion of such a program includes
16 participation in any education or rehabilitation program required to meet the needs identified in
17 the assessment screening. The assignment recommendations based upon such assessment shall
18 be subject to judicial review as provided in subsection 7 of section 577.041] **the following terms**
19 **mean:**

- 20 (1) "Aggravated offender", a person who has been found guilty of:
- 21 (a) Three or more intoxication-related traffic offenses committed on separate
- 22 occasions; or
- 23 (b) Two or more intoxication-related traffic offenses committed on separate
- 24 occasions where at least one of the intoxication-related traffic offenses is an offense
- 25 committed in violation of any state law, county or municipal ordinance, any federal offense,
- 26 or any military offense in which the defendant was operating a vehicle while intoxicated
- 27 and another person was injured or killed;
- 28 (2) "Aggravated boating offender", a person who has been found guilty of:
- 29 (a) Three or more intoxication-related boating offenses; or
- 30 (b) Has been found guilty of one or more intoxication-related boating offenses
- 31 committed on separate occasions where at least one of the intoxication-related traffic
- 32 offenses is an offense committed in violation of any state law, county or municipal
- 33 ordinance, any federal offense, or any military offense in which the defendant was
- 34 operating a vessel while intoxicated and another person was injured or killed;
- 35 (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively
- 36 for off-highway use which is fifty inches or less in width, with an unladen dry weight of one
- 37 thousand pounds or less, traveling on three, four or more low pressure tires, with a seat
- 38 designed to be straddled by the operator, or with a seat designed to carry more than one
- 39 person, and handlebars for steering control;
- 40 (4) "Court", any circuit, associate circuit, or municipal court, including traffic
- 41 court, but not any juvenile court or drug court;
- 42 (5) "Chronic offender", a person who has been found guilty of:
- 43 (a) Four or more intoxication-related traffic offenses committed on separate
- 44 occasions; or
- 45 (b) Three or more intoxication-related traffic offenses committed on separate
- 46 occasions where at least one of the intoxication-related traffic offenses is an offense
- 47 committed in violation of any state law, county or municipal ordinance, any federal offense,
- 48 or any military offense in which the defendant was operating a vehicle while intoxicated
- 49 and another person was injured or killed; or
- 50 (c) Two or more intoxication-related traffic offenses committed on separate
- 51 occasions where both intoxication-related traffic offenses were offenses committed in
- 52 violation of any state law, county or municipal ordinance, any federal offense, or any
- 53 military offense in which the defendant was operating a vehicle while intoxicated and
- 54 another person was injured or killed;
- 55 (6) "Chronic boating offender", a person who has been found guilty of:

- 56 (a) Four or more intoxication-related boating offenses; or
- 57 (b) Three or more intoxication-related boating offenses committed on separate
- 58 occasions where at least one of the intoxication-related boating offense is an offense
- 59 committed in violation of any state law, county or municipal ordinance, any federal offense,
- 60 or any military offense in which the defendant was operating a vessel while intoxicated and
- 61 another person was injured or killed; or
- 62 (c) Two or more intoxication-related boating offenses committed on separate
- 63 occasions where both intoxication-related boating offenses were offenses committed in
- 64 violation of any state law, county or municipal ordinance, any federal offense, or any
- 65 military offense in which the defendant was operating a vessel while intoxicated and
- 66 another person was injured or killed;
- 67 (7) "Controlled substance", a drug, substance, or immediate precursor in schedules
- 68 I to V listed in section 195.017;
- 69 (8) "Drive", "driving", "operates" or "operating", means physically driving or
- 70 operating a vehicle or vessel;
- 71 (9) "Drug", any natural or synthetic substance other than food, intended to affect
- 72 the structure or any function of the body of humans or animals;
- 73 (10) "Flight crew member", the pilot in command, copilots, flight engineers, and
- 74 flight navigators;
- 75 (11) "Habitual offender", a person who has been found guilty of:
- 76 (a) Five or more intoxication-related traffic offenses committed on separate
- 77 occasions; or
- 78 (b) Four or more intoxication-related traffic offenses committed on separate
- 79 occasions where at least one of the intoxication-related traffic offenses is an offense
- 80 committed in violation of any state law, county or municipal ordinance, any federal offense,
- 81 or any military offense in which the defendant was operating a vehicle while intoxicated
- 82 and another person was injured or killed; or
- 83 (c) Three or more intoxication-related traffic offenses committed on separate
- 84 occasions where at least two of the intoxication-related traffic offenses were offenses
- 85 committed in violation of any state law, county or municipal ordinance, any federal offense,
- 86 or any military offense in which the defendant was operating a vehicle while intoxicated
- 87 and another person was injured or killed;
- 88 (12) "Habitual boating offender", a person who has been found guilty of:
- 89 (a) Five or more intoxication-related boating offenses; or
- 90 (b) Four or more intoxication-related boating offenses committed on separate
- 91 occasions where at least one of the intoxication-related boating offense is an offense

committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related boating offenses committed on separate occasions where at least two of the intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(13) "Intoxicated" or "intoxicated condition", when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

(14) "Intoxication-related boating offense", operating a vessel while intoxicated; boating while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

(15) "Intoxication-related traffic offense", driving while intoxicated, driving with excessive blood alcohol content or an offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

(16) "Law enforcement officer" or "arresting officer", includes the definition of law enforcement officer in subdivision (17) of section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri;

(17) "Operate a vessel", to physically control the movement of a vessel in motion under mechanical or sail power in water;

(18) "Persistent offender", a person who has been found guilty of two or more intoxication-related traffic offenses committed on separate occasions;

(19) "Persistent boating offender", a person who has been found guilty of two or more intoxication-related boating offenses committed on separate occasions;

(20) "Prior offender", a person who has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged;

(21) "Prior boating offender", a person who has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged;

128 (22) "Vessel", every motorboat and every description of motorized watercraft, and
129 any watercraft more than twelve feet in length which is powered by sail alone or by a
130 combination of sail and machinery, used or capable of being used as a means of
131 transportation on water, but not any watercraft having as the only means of propulsion a
132 paddle or oars.

577.010. 1. A person commits the [crime] **offense** of ["]driving while intoxicated["] if
2 he **or she** operates a [motor] vehicle while in an intoxicated [or drugged] condition.

3 2. **The offense of** driving while intoxicated is [for the first offense, a class B
4 misdemeanor. No person convicted of or pleading guilty to the offense of driving while
5 intoxicated shall be granted a suspended imposition of sentence for such offense, unless such
6 person shall be placed on probation for a minimum of two years] :

7 (1) **A class B misdemeanor;**

8 (2) **A class A misdemeanor if:**

9 (a) **The defendant is a prior offender; or**

10 (b) **A person less than seventeen years of age is present in the vehicle;**

11 (3) **A class E felony if:**

12 (a) **The defendant is a persistent offender; or**

13 (b) **While driving while intoxicated, the defendant acts with criminal negligence to**
14 **cause physical injury to another person;**

15 (4) **A class D felony if:**

16 (a) **The defendant is an aggravated offender;**

17 (b) **While driving while intoxicated, the defendant acts with criminal negligence to**
18 **cause physical injury to a law enforcement officer or emergency personnel; or**

19 (c) **While driving while intoxicated, the defendant acts with criminal negligence to**
20 **cause serious physical injury to another person;**

21 (5) **A class C felony if:**

22 (a) **The defendant is a chronic offender;**

23 (b) **While driving while intoxicated, the defendant acts with criminal negligence to**
24 **cause serious physical injury to a law enforcement officer or emergency personnel; or**

25 (c) **While driving while intoxicated, the defendant acts with criminal negligence to**
26 **cause the death of another person;**

27 (6) **A class B felony if:**

28 (a) **The defendant is a habitual offender;**

29 (b) **While driving while intoxicated, the defendant acts with criminal negligence to**
30 **cause the death of a law enforcement officer or emergency personnel; or**

31 **(c) While driving while intoxicated, the defendant acts with criminal negligence to**
32 **cause the death of two or more persons unless it is a second or subsequent violation of this**
33 **subsection, in which case it is a class A felony.**

34 3. Notwithstanding the provisions of subsection 2 of this section, [in a circuit where a
35 DWI court or docket created under section 478.007 or other court-ordered treatment program is
36 available, no person who operated a motor vehicle with fifteen-hundredths of one percent or
37 more by weight of alcohol in such person's blood shall be granted a suspended imposition of
38 sentence unless the individual participates and successfully completes a program under such
39 DWI court or docket or other court-ordered treatment program] **a person found guilty of the**
40 **offense of driving while intoxicated as a first offense shall not be granted a suspended**
41 **imposition of sentence:**

42 **(1) Unless such person shall be placed on probation for a minimum of two years;**
43 **or**

44 **(2) In a circuit where a DWI court or docket created under section 478.007 or other**
45 **court-ordered treatment program is available, and where the offense was committed with**
46 **fifteen-hundredths of one percent or more by weight of alcohol in such person's blood,**
47 **unless the individual participates and successfully completes a program under such DWI**
48 **court or docket or other court-ordered treatment program.**

49 4. If a person is not granted a suspended imposition of sentence for the reasons described
50 in subsection 3 of this section [for such first offense]:

51 (1) If the individual operated the motor vehicle with fifteen-hundredths to
52 twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term
53 of imprisonment shall be not less than forty-eight hours;

54 (2) If the individual operated the motor vehicle with greater than twenty-hundredths of
55 one percent by weight of alcohol in such person's blood, the required term of imprisonment shall
56 be not less than five days.

57 **5. A person found guilty of the offense of driving while intoxicated as a first offense**
58 **shall be ordered to participate in and successfully complete a substance abuse traffic**
59 **offender program pursuant to the provisions governing substance abuse traffic offender**
60 **programs in chapter 302.**

61 **6. A person found guilty of the offense of driving while intoxicated:**

62 **(1) As a prior offender, persistent offender, aggravated offender, chronic offender,**
63 **or habitual offender shall not be granted a suspended imposition of sentence or be**
64 **sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary**
65 **notwithstanding;**

66 **(2) As a prior offender shall not be granted parole or probation until he or she has**
67 **served a minimum of ten days' imprisonment:**

68 **(a) Unless as a condition of such parole or probation such person performs at least**
69 **two hundred forty hours of community service under the supervision of the court in those**
70 **jurisdictions which have a recognized program for community service; or**

71 **(b) The offender participates in and successfully completes a program established**
72 **under section 478.007 or other court-ordered treatment program, if available;**

73 **(3) As a persistent offender shall not be eligible for parole or probation until he or**
74 **she has served a minimum of thirty days imprisonment:**

75 **(a) Unless as a condition of such parole or probation such person performs at least**
76 **four hundred eighty hours of community service under the supervision of the court in those**
77 **jurisdictions which have a recognized program for community service; or**

78 **(b) The offender participates in and successfully completes a program established**
79 **under section 478.007 or other court-ordered treatment program, if available;**

80 **(4) As an aggravated offender shall not be eligible for parole or probation until he**
81 **or she has served a minimum of sixty days imprisonment;**

82 **(5) As a chronic offender shall not be eligible for parole or probation until he or she**
83 **has served a minimum of two years imprisonment.**

 577.012. 1. A person commits the [crime] **offense** of ["]driving with excessive blood
2 alcohol content["] if such person operates:

3 **(1) A [motor] vehicle [in this state with] while having eight-hundredths of one percent**
4 **or more by weight of alcohol in [such person's] his or her blood; or**

5 **(2) A commercial motor vehicle while having four one-hundredths of a percent or**
6 **more by weight of alcohol in his or her blood.**

7 2. As used in this section, percent by weight of alcohol in the blood shall be based upon
8 grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may
9 be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes
10 of determining the alcoholic content of a person's blood under this section, the test shall be
11 conducted in accordance with the provisions of sections 577.020 to 577.041.

12 3. [For the first offense,] **The offense of** driving with excessive blood alcohol content
13 **is [a class B misdemeanor] :**

14 **(1) A class B misdemeanor;**

15 **(2) A class A misdemeanor if the defendant is alleged and proved to be a prior**
16 **offender;**

17 **(3) A class E felony if the defendant is alleged and proved to be a persistent**
18 **offender;**

19 **(4) A class D felony if the defendant is alleged and proved to be an aggravated**
20 **offender;**

21 **(5) A class C felony if the defendant is alleged and proved to be a chronic offender;**

22 **(6) A class B felony if the defendant is alleged and proved to be a habitual offender.**

23 4. [In a circuit where a DWI court or docket created under section 478.007 or other
24 court-ordered treatment program is available, no person who operated a motor vehicle with
25 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood shall be
26 granted a suspended imposition of sentence unless the individual participates and successfully
27 completes a program under such DWI court or docket or other court-ordered treatment program]
28 **A person found guilty of the offense of driving with an excessive blood alcohol content as**
29 **a first offense shall not be granted a suspended imposition of sentence:**

30 **(1) Unless such person shall be placed on probation for a minimum of two years;**
31 **or**

32 **(2) In a circuit where a DWI court or docket created under section 478.007 or other**
33 **court-ordered treatment program is available, and where the offense was committed with**
34 **fifteen-hundredths of one percent or more by weight of alcohol in such person's blood,**
35 **unless the individual participates in and successfully completes a program under such DWI**
36 **court or docket or other court-ordered treatment program.**

37 5. If a person is not granted a suspended imposition of sentence for the reasons described
38 in subsection 4 of this section[, for such first offense]:

39 (1) If the individual operated the [motor] vehicle with fifteen-hundredths to
40 twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term
41 of imprisonment shall be not less than forty-eight hours;

42 (2) If the individual operated the [motor] vehicle with greater than twenty-hundredths
43 of one percent by weight of alcohol in such person's blood, the required term of imprisonment
44 shall be not less than five days.

45

46 **A person found guilty of the offense of driving with excessive blood alcohol content as a**
47 **first offense shall be ordered to participate in and successfully complete a substance abuse**
48 **traffic offender program pursuant to the provisions governing substance abuse traffic**
49 **offender programs in chapter 302.**

50 **6. A person found guilty of driving with excessive blood alcohol content:**

51 **(1) As a prior offender, persistent offender, aggravated offender, chronic offender**
52 **or habitual offender shall not be granted a suspended imposition of sentence or be**
53 **sentenced to pay a fine in lieu of a term of imprisonment, section 557.011, to the contrary**
54 **notwithstanding;**

55 (2) As a prior offender shall not be granted parole or probation until he or she has
56 served a minimum of ten days imprisonment:

57 (a) Unless as a condition of such parole or probation such person performs at least
58 two hundred forty hours of community service under the supervision of the court in those
59 jurisdictions which have a recognized program for community service; or

60 (b) The offender participates in and successfully completes a program established
61 under section 478.007 or other court-ordered treatment program, if available;

62 (3) As a persistent offender shall not be granted parole or probation until he or she
63 has served a minimum of thirty days imprisonment:

64 (a) Unless as a condition of such parole or probation such person performs at least
65 four hundred eighty hours of community service under the supervision of the court in those
66 jurisdictions which have a recognized program for community service; or

67 (b) The offender participates in and successfully completes a program established
68 under section 478.007 or other court-ordered treatment program, if available;

69 (4) As an aggravated offender shall not be eligible for parole or probation until he
70 or she has served a minimum of sixty days imprisonment;

71 (5) As a chronic offender shall not be eligible for parole or probation until he or she
72 has served a minimum of two years imprisonment.

 577.013. 1. A person commits the offense of boating while intoxicated if he or she
2 operates a vessel while in an intoxicated condition.

3 2. The offense of boating while intoxicated is:

4 (1) A class B misdemeanor;

5 (2) A class A misdemeanor if:

6 (a) The defendant is a prior boating offender; or

7 (b) A person less than seventeen years of age is present in the vessel;

8 (3) A class E felony if:

9 (a) The defendant is a persistent boating offender; or

10 (b) While boating while intoxicated, the defendant acts with criminal negligence to
11 cause physical injury to another person;

12 (4) A class D felony if:

13 (a) The defendant is an aggravated boating offender;

14 (b) While boating while intoxicated, the defendant acts with criminal negligence to
15 cause physical injury to a law enforcement officer or emergency personnel; or

16 (c) While boating while intoxicated, the defendant acts with criminal negligence to
17 cause serious physical injury to another person;

18 (5) A class C felony if:

- 19 (a) The defendant is a chronic boating offender;
- 20 (b) While boating while intoxicated, the defendant acts with criminal negligence to
- 21 cause serious physical injury to a law enforcement officer or emergency personnel; or
- 22 (c) While boating while intoxicated, the defendant acts with criminal negligence to
- 23 cause the death of another person;
- 24 (6) A class B felony if:
- 25 (a) The defendant is a habitual boating offender;
- 26 (b) While boating while intoxicated, the defendant acts with criminal negligence to
- 27 cause the death of a law enforcement officer or emergency personnel; or
- 28 (c) While boating while intoxicated, the defendant acts with criminal negligence to
- 29 cause the death of two or more persons unless it is a second or subsequent violation of this
- 30 subsection, in which case it is a class A felony.
- 31 3. Notwithstanding the provisions of subsection 2 of this section, a person found
- 32 guilty of the offense of boating while intoxicated as a first offense shall not be granted a
- 33 suspended imposition of sentence:
- 34 (1) Unless such person shall be placed on probation for a minimum of two years;
- 35 or
- 36 (2) In a circuit where a DWI court or docket created under section 478.007 or other
- 37 court-ordered treatment program is available, and where the offense was committed with
- 38 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood,
- 39 unless the individual participates in and successfully completes a program under such DWI
- 40 court or docket or other court-ordered treatment program.
- 41 4. If a person is not granted a suspended imposition of sentence for the reasons
- 42 described in subsection 3 of this section:
- 43 (1) If the individual operated the vessel with fifteen-hundredths to twenty-
- 44 hundredths of one percent by weight of alcohol in such person's blood, the required term
- 45 of imprisonment shall be not less than forty-eight hours;
- 46 (2) If the individual operated the vessel with greater than twenty-hundredths of one
- 47 percent by weight of alcohol in such person's blood, the required term of imprisonment
- 48 shall be not less than five days.
- 49 5. A person found guilty of the offense of boating while intoxicated:
- 50 (1) As a prior boating offender, persistent boating offender, aggravated boating
- 51 offender, chronic boating offender or habitual boating offender shall not be granted a
- 52 suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of
- 53 imprisonment, section 557.011 to the contrary notwithstanding;

54 (2) As a prior boating offender shall not be granted parole or probation until he or
55 she has served a minimum of ten days imprisonment;

56 (a) Unless as a condition of such parole or probation such person performs at least
57 two hundred forty hours of community service under the supervision of the court in those
58 jurisdictions which have a recognized program for community service; or

59 (b) The offender participates in and successfully completes a program established
60 under section 478.007 or other court-ordered treatment program, if available;

61 (3) As a persistent offender shall not be eligible for parole or probation until he or
62 she has served a minimum of thirty days imprisonment:

63 (a) Unless as a condition of such parole or probation such person performs at least
64 four hundred eighty hours of community service under the supervision of the court in those
65 jurisdictions which have a recognized program for community service; or

66 (b) The offender participates in and successfully completes a program established
67 under section 478.007 or other court-ordered treatment program, if available;

68 (4) As an aggravated boating offender shall not be eligible for parole or probation
69 until he or she has served a minimum of sixty days imprisonment;

70 (5) As a chronic boating offender shall not be eligible for parole or probation until
71 he or she has served a minimum of two years imprisonment.

577.014. 1. A person commits the offense of boating with excessive blood alcohol
2 **content if he or she operates a vessel while having eight-hundredths of one percent or more**
3 **by weight of alcohol in his or her blood.**

4 **2. As used in this section, percent by weight of alcohol in the blood shall be based**
5 **upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of**
6 **breath and may be shown by chemical analysis of the person's blood, breath, saliva or**
7 **urine. For the purposes of determining the alcoholic content of a person's blood under this**
8 **section, the test shall be conducted in accordance with the provisions of sections 557.020**
9 **to 577.041.**

10 **3. The offense of boating with excessive blood alcohol content is:**

11 **(1) A class B misdemeanor;**

12 **(2) A class A misdemeanor if the defendant is alleged and proved to be a prior**
13 **boating offender;**

14 **(3) A class E felony if the defendant is alleged and proved to be a persistent boating**
15 **offender;**

16 **(4) A class D felony if the defendant is alleged and proved to be an aggravated**
17 **boating offender;**

18 **(5) A class C felony if the defendant is alleged and proved to be a chronic boating**
19 **offender;**

20 **(6) A class B felony if the defendant is alleged and proved to be a habitual boating**
21 **offender.**

22 **4. A person found guilty of the offense of boating with excessive blood alcohol**
23 **content as a first offense shall not be granted a suspended imposition of sentence:**

24 **(1) Unless such person shall be placed on probation for a minimum of two years;**
25 **or**

26 **(2) In a circuit where a DWI court or docket created under section 478.007 or other**
27 **court-ordered treatment program is available, and where the offense was committed with**
28 **fifteen-hundredths of one percent or more by weight of alcohol in such person's blood**
29 **unless the individual participates in and successfully completes a program under such DWI**
30 **court or docket or other court-ordered treatment program.**

31 **5. When a person is not granted a suspended imposition of sentence for the reasons**
32 **described in subsection 3 of this section:**

33 **(1) If the individual operated the vessel with fifteen-hundredths to twenty**
34 **hundredths of one percent by weight of alcohol in such person's blood, the required term**
35 **of imprisonment shall be not less than forty-eight hours;**

36 **(2) If the individual operated the vessel with greater than twenty hundredths of one**
37 **percent by weight of alcohol in such person's blood, the required term of imprisonment**
38 **shall be not less than five days.**

39 **6. A person found guilty of the offense of boating with excessive blood alcohol**
40 **content:**

41 **(1) As a prior boating offender, persistent boating offender, aggravated boating**
42 **offender, chronic boating offender or habitual boating offender shall not be granted a**
43 **suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of**
44 **imprisonment, section 557.011, to the contrary notwithstanding;**

45 **(2) As a prior boating offender shall not be granted parole or probation until he or**
46 **she has served a minimum of ten days imprisonment:**

47 **(a) Unless as a condition of such parole or probation such person performs at least**
48 **two hundred forty hours of community service under the supervision of the court in those**
49 **jurisdictions which have a recognized program for community service; or**

50 **(b) The offender participates in and successfully completes a program established**
51 **under section 478.007 or other court-ordered treatment program, if available;**

52 **(3) As a persistent boating offender shall not be granted parole or probation until**
53 **he or she has served a minimum of thirty days imprisonment:**

54 (a) Unless as a condition of such parole or probation such person performs at least
55 four hundred eighty hours of community service under the supervision of the court in those
56 jurisdictions which have a recognized program for community service; or

57 (b) The offender participates in and successfully completes a program established
58 under section 478.007 or other court-ordered treatment program, if available;

59 (4) As an aggravated boating offender shall not be eligible for parole or probation
60 until he or she has served a minimum of sixty days imprisonment;

61 (5) As a chronic boating offender shall not be eligible for parole or probation until
62 he or she has served a minimum of two years imprisonment.

 [577.203.] **577.015.** 1. [It is unlawful for any] A person [to operate, or act as a flight
2 crew member of, any aircraft in this state:

3 (1) While under the influence of alcohol or a controlled substance, or any combination
4 thereof;

5 (2) With four one-hundredths of one percent or more by weight of alcohol in his blood;
6 or

7 (3) Within eight hours after the consumption of any alcoholic beverage.

8 2. Any person found guilty of violating this section and section 577.201 shall have
9 committed a class C misdemeanor.

10 3. Any person found guilty a second or subsequent time of violating this section and
11 section 577.201 shall have committed a class A misdemeanor] **commits the offense of**
12 **operating an aircraft while intoxicated if he or she, while in an intoxicated condition,**
13 **knowingly operates any aircraft or knowingly acts as a copilot, flight engineer or flight**
14 **navigator for an aircraft while in operation.**

15 **2. The offense of operating an aircraft while intoxicated is:**

16 **(1) A class C misdemeanor;**

17 **(2) A class A misdemeanor if the person has previously been found guilty of the**
18 **offense of operating an aircraft while intoxicated or with an excessive blood alcohol**
19 **content, or any offense committed in another jurisdiction which, if committed in this state,**
20 **would be the offense of operating an aircraft with excessive blood alcohol content or while**
21 **intoxicated.**

577.016. 1. A person commits the offense of operating an aircraft with excessive
2 **blood alcohol content if he or she knowingly operates any aircraft or knowingly acts as a**
3 **copilot, flight engineer or flight navigator for an aircraft while in operation:**

4 **(1) With four one-hundredths of one percent or more by weight of alcohol in his**
5 **or her blood; or**

6 **(2) Within eight hours after the consumption of any alcoholic beverage.**

7 **2. The offense of operating an aircraft with excessive blood alcohol content is:**

8 **(1) A class C misdemeanor;**

9 **(2) A class A misdemeanor if the defendant has been found guilty of operating an**
10 **aircraft with excessive blood alcohol content or operating an aircraft while intoxicated or**
11 **any offense committed in any jurisdiction which, if committed in this state, would be the**
12 **offense of operating an aircraft with excessive blood alcohol content or operating an**
13 **aircraft while intoxicated.**

 577.017. 1. [No] A person [shall consume any] **commits the offense of consumption**
2 **of an alcoholic beverage while [operating] driving if he or she operates a moving motor vehicle**
3 **upon [the highways, as defined in section 301.010] any public thoroughfare for vehicles,**
4 **including state roads, county roads and public streets, avenues, boulevards, parkways or**
5 **alleys in any municipality while consuming any alcoholic beverage.**

6 2. [Any person found guilty of violating the provisions of this section is guilty of an
7 infraction.

8 3. Any infraction under this section shall not reflect on any records with the department
9 of revenue] **The offense of consumption of an alcoholic beverage while driving is an**
10 **infraction and shall not be reflected on any records maintained by the department of**
11 **revenue.**

 577.020. 1. Any person who operates a [motor] vehicle upon the public highways of this
2 state, **a vessel, or any aircraft, or acts as a flight crew member of an aircraft** shall be deemed
3 to have given consent [to], subject to the provisions of sections 577.019 to 577.041, **to a**
4 **chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining**
5 **the alcohol or drug content of the person's blood pursuant to the following circumstances:**

6 (1) If the person is arrested for any offense arising out of acts which the arresting officer
7 had reasonable grounds to believe were committed while the person was [driving a motor]
8 **operating a vehicle or a vessel** while in an intoxicated [or drugged] condition; or

9 (2) **Detained for any offense of operating an aircraft while intoxicated under section**
10 **577.015 or operating an aircraft with excessive blood alcohol content under section**
11 **577.016; or**

12 (3) If the person is under the age of twenty-one, has been stopped by a law enforcement
13 officer, and the law enforcement officer has reasonable grounds to believe that such person was
14 [driving a motor] **operating a vehicle or a vessel** with a blood alcohol content of
15 two-hundredths of one percent or more by weight; or

16 [(3)] (4) If the person is under the age of twenty-one, has been stopped by a law
17 enforcement officer, and the law enforcement officer has reasonable grounds to believe that such
18 person has committed a violation of the traffic laws of the state, or any political subdivision of

19 the state, and such officer has reasonable grounds to believe, after making such stop, that such
20 person has a blood alcohol content of two-hundredths of one percent or greater;

21 [(4)] (5) If the person is under the age of twenty-one, has been stopped at a sobriety
22 checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that
23 such person has a blood alcohol content of two-hundredths of one percent or greater;

24 [(5)] (6) If the person, while operating a [motor] vehicle, has been involved in a [motor
25 vehicle] collision **or accident** which resulted in a fatality or a readily apparent serious physical
26 injury as defined in section 565.002, or has been arrested as evidenced by the issuance of a
27 uniform traffic ticket for the violation of any state law or county or municipal ordinance with the
28 exception of equipment violations contained in [chapter] **chapters 306 and 307**, or similar
29 provisions contained in county or municipal ordinances; or

30 [(6)] If the person, while operating a motor vehicle, has been involved in a motor vehicle
31 collision which resulted in a fatality or serious physical injury as defined in section 565.002.]

32 (7) The test shall be administered at the direction of the law enforcement officer
33 whenever the person has been [arrested or] stopped, **detained, or arrested** for any reason.

34 2. The implied consent to submit to the chemical tests listed in subsection 1 of this
35 section shall be limited to not more than two such tests arising from the same **stop, detention,**
36 arrest, incident or charge.

37 3. **To be considered valid**, chemical analysis of the person's breath, blood, saliva, or
38 urine [to be considered valid pursuant to the provisions of sections 577.019 to 577.041] shall be
39 performed, according to methods approved by the state department of health and senior services,
40 by licensed medical personnel or by a person possessing a valid permit issued by the state
41 department of health and senior services for this purpose.

42 4. The state department of health and senior services shall approve satisfactory
43 techniques, devices, equipment, or methods to be [considered valid] **used in the chemical test**
44 pursuant to the provisions of sections 577.019 to 577.041 [and] . **The department** shall **also**
45 establish standards to ascertain the qualifications and competence of individuals to conduct **such**
46 analyses and [to] issue permits **for such purpose**, which shall be subject to termination or
47 revocation by the state department of health and senior services.

48 5. The person tested may have a physician, or a qualified technician, chemist, registered
49 nurse, or other qualified person at the choosing and expense of the person to be tested, administer
50 a test in addition to any administered at the direction of a law enforcement officer. The failure
51 or inability to obtain an additional test by a person shall not preclude the admission of evidence
52 relating to the test taken at the direction of a law enforcement officer.

53 6. Upon the request of the person who is tested, full information concerning the test shall
54 be made available to such person. Full information is limited to the following:

- 55 (1) The type of test administered and the procedures followed;
- 56 (2) The time of the collection of the blood [or] , breath [sample] , or urine **sample**
- 57 analyzed;
- 58 (3) The numerical results of the test indicating the alcohol content of the blood and
- 59 breath and urine;
- 60 (4) The type and status of any permit which was held by the person who performed the
- 61 test;
- 62 (5) If the test was administered by means of a breath-testing instrument, the date [of
- 63 performance] of the most recent [required] maintenance of such instrument. Full information
- 64 does not include manuals, schematics, or software of the instrument used to test the person or
- 65 any other material that is not in the actual possession of the state. Additionally, full information
- 66 does not include information in the possession of the manufacturer of the test instrument.
- 67 7. Any person given a chemical test of the person's breath pursuant to subsection 1 of
- 68 this section or a field sobriety test may be videotaped during any such test at the direction of the
- 69 law enforcement officer. Any such video recording made during the chemical test pursuant to
- 70 this subsection or a field sobriety test shall be admissible as evidence at [either] any trial of such
- 71 person for [either] a violation of any state law or county or municipal ordinance, [or] **and at any**
- 72 license revocation or suspension proceeding **held** pursuant to the provisions of chapter 302.

577.021. 1. Any state, county or municipal law enforcement officer [who has the power

2 of arrest for violations of section 577.010 or 577.012 and] who is certified pursuant to chapter

3 590 may, prior to arrest, administer a chemical test to any person suspected of operating a

4 [motor] vehicle [in violation of section 577.010 or 577.012] , **vessel, or aircraft or acting as**

5 **a flight crew member of an aircraft while in an intoxicated condition or with an excessive**

6 **blood alcohol content.**

7 2. Any state, county, or municipal law enforcement officer who has the power of arrest

8 for violations of section 577.010 or 577.012 and who is certified under chapter 590 shall make

9 all reasonable efforts to administer a chemical test to any person suspected of [driving a motor]

10 **operating a vehicle or vessel** involved in a collision **or accident** which resulted in a fatality or

11 serious physical injury as defined in section [565.002] **556.061.**

12 3. A test administered pursuant to this section shall be admissible as evidence of

13 probable cause to arrest and as exculpatory evidence, but shall not be admissible as evidence of

14 blood alcohol content. The provisions of sections 577.019 and 577.020 shall not apply to a test

15 administered prior to arrest pursuant to this section. [The provisions changing chapter 577 are

16 severable from this legislation. The general assembly would have enacted the remainder of this

17 legislation without the changes made to chapter 577, and the remainder of the legislation is not

18 essentially and inseparably connected with or dependent upon the changes to chapter 577.]

577.023. 1. [For purposes of this section, unless the context clearly indicates otherwise:

(1) An "aggravated offender" is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses; or

(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related traffic offense and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; or assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(2) A "chronic offender" is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under section 565.021, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(3) "Continuous alcohol monitoring", automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690;

(4) An "intoxication-related traffic offense" is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, murder in the second degree under section 565.021, where the

37 underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant
38 to subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement officer in the
39 second degree pursuant to subdivision (4) of subsection 1 of section 565.082, or driving under
40 the influence of alcohol or drugs in violation of state law or a county or municipal ordinance;

41 (5) A "persistent offender" is one of the following:

42 (a) A person who has pleaded guilty to or has been found guilty of two or more
43 intoxication-related traffic offenses;

44 (b) A person who has pleaded guilty to or has been found guilty of involuntary
45 manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, assault in the
46 second degree pursuant to subdivision (4) of subsection 1 of section 565.060, assault of a law
47 enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section
48 565.082; and

49 (6) A "prior offender" is a person who has pleaded guilty to or has been found guilty of
50 one intoxication-related traffic offense, where such prior offense occurred within five years of
51 the occurrence of the intoxication-related traffic offense for which the person is charged.

52 2. Any person who pleads guilty to or is found guilty of a violation of section 577.010
53 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A
54 misdemeanor.

55 3. Any person who pleads guilty to or is found guilty of a violation of section 577.010
56 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D
57 felony.

58 4. Any person who pleads guilty to or is found guilty of a violation of section 577.010
59 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a
60 class C felony.

61 5. Any person who pleads guilty to or is found guilty of a violation of section 577.010
62 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class
63 B felony.

64 6. No state, county, or municipal court shall suspend the imposition of sentence as to a
65 prior offender, persistent offender, aggravated offender, or chronic offender under this section
66 nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011 to the
67 contrary notwithstanding.

68 (1) No prior offender shall be eligible for parole or probation until he or she has served
69 a minimum of ten days imprisonment:

70 (a) Unless as a condition of such parole or probation such person performs at least thirty
71 days involving at least two hundred forty hours of community service under the supervision of
72 the court in those jurisdictions which have a recognized program for community service; or

73 (b) The offender participates in and successfully completes a program established
74 pursuant to section 478.007 or other court-ordered treatment program, if available, and as part
75 of either program, the offender performs at least thirty days of community service under the
76 supervision of the court.

77 (2) No persistent offender shall be eligible for parole or probation until he or she has
78 served a minimum of thirty days imprisonment:

79 (a) Unless as a condition of such parole or probation such person performs at least sixty
80 days involving at least four hundred eighty hours of community service under the supervision
81 of the court; or

82 (b) The offender participates in and successfully completes a program established
83 pursuant to section 478.007 or other court-ordered treatment program, if available, and as part
84 of either program, the offender performs at least sixty days of community service under the
85 supervision of the court.

86 (3) No aggravated offender shall be eligible for parole or probation until he or she has
87 served a minimum of sixty days imprisonment.

88 (4) No chronic offender shall be eligible for parole or probation until he or she has
89 served a minimum of two years imprisonment. In addition to any other terms or conditions of
90 probation, the court shall consider, as a condition of probation for any person who pleads guilty
91 to or is found guilty of an intoxication-related traffic offense, requiring the offender to abstain
92 from consuming or using alcohol or any products containing alcohol as demonstrated by
93 continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of
94 four times per day as scheduled by the court for such duration as determined by the court, but not
95 less than ninety days. The court may, in addition to imposing any other fine, costs, or
96 assessments provided by law, require the offender to bear any costs associated with continuous
97 alcohol monitoring or verifiable breath alcohol testing.

98 7. The state, county, or municipal] A court shall find the defendant to be a prior offender,
99 **prior boating offender**, persistent offender, **persistent boating offender**, aggravated offender,
100 [or] **aggravated boating offender**, chronic offender, **chronic boating offender**, **habitual**
101 **offender, or habitual boating offender** if:

102 (1) The indictment or information, original or amended, or the information in lieu of an
103 indictment pleads all essential facts warranting a finding that the defendant is a prior offender,
104 **prior boating offender**, persistent offender, **persistent boating offender**, **aggravated offender**,
105 **aggravated boating offender**, **chronic offender**, **chronic boating offender**, **habitual**
106 **offender, or habitual boating offender**; and

107 (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding
108 beyond a reasonable doubt the defendant is a prior offender, **prior boating offender**, persistent

109 offender, **persistent boating offender**, aggravated offender, [or] **aggravated boating offender**,
110 chronic offender, **chronic boating offender**, **habitual offender**, or **habitual boating offender**;
111 and

112 (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt
113 by the court that the defendant is a prior offender, **prior boating offender**, persistent offender,
114 **persistent boating offender**, aggravated offender, [or] **aggravated boating offender**, chronic
115 offender, **chronic boating offender**, **habitual offender**, or **habitual boating offender**.

116 [8.] 2. In a jury trial, the [facts] **defendant's status as a prior offender, prior boating**
117 **offender, persistent offender, persistent boating offender, aggravated offender, aggravated**
118 **boating offender, chronic offender, chronic boating offender, habitual offender, or habitual**
119 **boating offender** shall be [pleaded, established and] found prior to submission to the jury
120 outside of its hearing.

121 [9.] 3. In a trial without a jury or upon a plea of guilty, [the court may defer the proof in
122 findings of such facts to a later time, but] **a determination of the defendant's status as a prior**
123 **offender, prior boating offender, persistent offender, persistent boating offender,**
124 **aggravated offender, aggravated boating offender, chronic offender, chronic boating**
125 **offender, habitual offender, or habitual boating offender** may be made by the court at any
126 time prior to sentencing.

127 4. Evidence offered as proof of the defendant's status as a prior offender, prior
128 boating offender, persistent offender, persistent boating offender, aggravated offender,
129 aggravated boating offender, chronic offender, chronic boating offender, habitual offender
130 or habitual boating offender shall include but not be limited to evidence of findings of guilt
131 received by a search of the records of the Missouri uniform law enforcement system,
132 including criminal history records from the central repository or records from the driving
133 while intoxicated tracking system (DWITS) maintained by the Missouri state highway
134 patrol, or the certified driving record maintained by the Missouri department of revenue.
135 Any findings of guilt used to establish defendant's status as a prior offender, prior boating
136 offender, persistent offender, persistent boating offender, aggravated offender, aggravated
137 boating offender, chronic offender, chronic boating offender, habitual offender or habitual
138 boating offender shall be prior to the date of commission of the present offense.

139 [10.] 5. The defendant shall be accorded full rights of confrontation and
140 cross-examination, with the opportunity to present evidence, at such hearings.

141 [11.] 6. The defendant may waive proof of the facts [alleged] **used to prove his or her**
142 **status as a prior offender, prior boating offender, persistent offender, persistent boating**
143 **offender, aggravated offender, aggravated boating offender, chronic offender, chronic**
144 **boating offender, habitual offender, or habitual boating offender**.

145 [12. Nothing in this section shall prevent the use of presentence investigations or
146 commitments.

147 13. At the sentencing hearing both the state, county, or municipality and the defendant
148 shall be permitted to present additional information bearing on the issue of sentence.

149 14. The pleas or findings of guilt shall be prior to the date of commission of the present
150 offense.

151 15.] **7. If a court finds the defendant to be a prior offender, prior boating offender,**
152 **persistent offender, persistent boating offender, aggravated offender, aggravated boating**
153 **offender, chronic offender, chronic boating offender, habitual offender, or habitual boating**
154 **offender,** the court shall not instruct the jury as to the range of punishment or allow the jury,
155 upon a finding of guilt, to assess and declare the punishment as part of its verdict [in cases of
156 prior offenders, persistent offenders, aggravated offenders, or chronic offenders].

157 [16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an
158 intoxication-related traffic offense shall be heard and determined by the trial court out of the
159 hearing of the jury prior to the submission of the case to the jury, and shall include but not be
160 limited to evidence received by a search of the records of the Missouri uniform law enforcement
161 system, including criminal history records from the central repository or records from the driving
162 while intoxicated tracking system (DWITS) maintained by the Missouri state highway patrol, or
163 the certified driving record maintained by the Missouri department of revenue. After hearing the
164 evidence, the court shall enter its findings thereon. A plea of guilty or a finding of guilt followed
165 by incarceration, a fine, a suspended imposition of sentence, suspended execution of sentence,
166 probation or parole or any combination thereof in any intoxication-related traffic offense in a
167 state, county or municipal court or any combination thereof, shall be treated as a prior plea of
168 guilty or finding of guilt for purposes of this section.]

169 **8. At sentencing, all parties shall be permitted to present additional information**
170 **bearing on the issue of the sentence. Nothing in this section shall prevent the use of**
171 **presentence investigations, sentencing advisory reports or commitments.**

577.029. A licensed physician, registered nurse, **phlebotomist**, or trained medical
2 technician, acting at the request and direction of the law enforcement officer, shall withdraw
3 blood for the purpose of determining the alcohol content of the blood, unless such medical
4 personnel, in his or her good faith medical judgment, believes such procedure would endanger
5 the life or health of the person in custody. Blood may be withdrawn only by such medical
6 personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen,
7 or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content
8 thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the
9 withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request

10 of the person who is tested, full information concerning the test taken at the direction of the law
11 enforcement officer shall be made available to him or her.

577.031. No person who administers any test pursuant to the provisions of sections
2 577.020 to 577.041 upon the request of a law enforcement officer, no hospital in or with which
3 such person is employed or is otherwise associated or in which such test is administered, and no
4 other person, firm, or corporation by whom or with which such person is employed or is in any
5 way associated, shall be civilly liable in damages to the person tested unless for gross negligence
6 [or by] , willful or wanton act, or omission.

577.037. 1. Upon the trial of any person for [violation of any of the provisions of section
2 565.024, or section 565.060, or section 577.010 or 577.012, or upon the trial of any criminal
3 action] **any criminal offense** or violations of county or municipal ordinances, or in any license
4 suspension or revocation proceeding pursuant to the provisions of **this** chapter [302] arising out
5 of acts alleged to have been committed by any person while [driving] **operating** a motor vehicle,
6 **vessel, or aircraft, or acting as a flight crew member of any aircraft**, while in an intoxicated
7 condition **or with an excessive blood alcohol content**, the amount of alcohol in the person's
8 blood at the time of the act [alleged] , as shown by any chemical analysis of the person's blood,
9 breath, saliva, or urine, is admissible in evidence and the provisions of subdivision (5) of section
10 491.060 shall not prevent the admissibility or introduction of such evidence if otherwise
11 admissible. [If there was eight-hundredths of one percent or more by weight of alcohol in the
12 person's blood, this shall be prima facie evidence that the person was intoxicated at the time the
13 specimen was taken.]

2. **If a chemical analysis of the defendant's breath, blood, saliva, or urine
15 demonstrates there was eight-hundredths of one percent or more by weight of alcohol in
16 the person's blood, this shall be prima facie evidence that the person was intoxicated at the
17 time the specimen was taken. If a chemical analysis of the defendant's breath, blood,
18 saliva, or urine demonstrates that there was less than eight-hundredths of one percent of
19 alcohol in the defendant's blood, any charge alleging a criminal offense related to the
20 operation of a vehicle, vessel, or aircraft while in an intoxicated condition or with an
21 excessive blood alcohol content shall be dismissed with prejudice unless one or more of the
22 following considerations cause the court to find a dismissal unwarranted:**

(1) **There is evidence that the chemical analysis is unreliable as evidence of the
24 defendant's intoxication at the time of the alleged violation due to the lapse of time between
25 the alleged violation and the obtaining of the specimen;**

(2) **There is evidence that the defendant was under the influence of a controlled
27 substance, or drug, or a combination of either or both with or without alcohol; or**

28 **(3) There is substantial evidence of intoxication from physical observations of**
29 **witnesses or admissions of the defendant.**

30 **3.** Percent by weight of alcohol in the blood shall be based upon grams of alcohol per
31 one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.

32 **[3.] 4.** The foregoing provisions of this section shall not be construed as limiting the
33 introduction of any other competent evidence bearing upon the question **of** whether the person
34 was intoxicated.

35 **[4.] 5.** A chemical analysis of a person's breath, blood, saliva or urine, in order to give
36 rise to the presumption or to have the effect provided for in subsection **[1] 2** of this section, shall
37 have been performed as provided in sections 577.020 to 577.041 and in accordance with methods
38 and standards approved by the state department of health and senior services.

39 **[5.** Any charge alleging a violation of section 577.010 or 577.012 or any county or
40 municipal ordinance prohibiting driving while intoxicated or driving under the influence of
41 alcohol shall be dismissed with prejudice if a chemical analysis of the defendant's breath, blood,
42 saliva, or urine performed in accordance with sections 577.020 to 577.041 and rules promulgated
43 thereunder by the state department of health and senior services demonstrate that there was less
44 than eight-hundredths of one percent of alcohol in the defendant's blood unless one or more of
45 the following considerations cause the court to find a dismissal unwarranted:

46 **(1)** There is evidence that the chemical analysis is unreliable as evidence of the
47 defendant's intoxication at the time of the alleged violation due to the lapse of time between the
48 alleged violation and the obtaining of the specimen;

49 **(2)** There is evidence that the defendant was under the influence of a controlled
50 substance, or drug, or a combination of either or both with or without alcohol; or

51 **(3)** There is substantial evidence of intoxication from physical observations of witnesses
52 or admissions of the defendant.]

 577.041. 1. If a person [under arrest, or who has been stopped pursuant to] **detained,**
2 **stopped, or arrested under** subdivision (2) or (3) of subsection 1 of section 577.020, refuses
3 upon the request of the officer to submit to any test allowed pursuant to section 577.020, then
4 evidence of the refusal shall be admissible in [a] **any** proceeding [pursuant to section 565.024,
5 565.060, or 565.082, or section 577.010 or 577.012] **related to the acts resulting from such**
6 **detention, stop, or arrest.**

7 **2.** The request of the officer **to submit to any chemical test** shall include the reasons
8 of the officer for requesting the person to submit to a test and also shall inform the person that
9 evidence of refusal to take the test may be used against such person [and that the person's] . **If**
10 **such person was operating a vehicle prior to such detention, stop, or arrest, he or she shall**

11 **further be informed that his or her** license shall be immediately revoked upon refusal to take
12 the test.

13 **3.** If a person, when requested to submit to any test allowed pursuant to section 577.020,
14 requests to speak to an attorney, the person shall be granted twenty minutes in which to attempt
15 to contact an attorney. If, upon the completion of the twenty-minute period, the person continues
16 to refuse to submit to any test, it shall be deemed a refusal. [In the event, the officer shall, on
17 behalf of the director of revenue, serve the notice of license revocation personally upon the
18 person and shall take possession of any license to operate a motor vehicle issued by this state
19 which is held by that person. The officer shall issue a temporary permit, on behalf of the director
20 of revenue, which is valid for fifteen days and shall also give the person a notice of such person's
21 right to file a petition for review to contest the license revocation.

22 2. The officer shall make a certified report under penalties of perjury for making a false
23 statement to a public official. The report shall be forwarded to the director of revenue and shall
24 include the following:

25 (1) That the officer has:

26 (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle
27 while in an intoxicated or drugged condition; or

28 (b) Reasonable grounds to believe that the person stopped, being under the age of
29 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths
30 of one percent or more by weight; or

31 (c) Reasonable grounds to believe that the person stopped, being under the age of
32 twenty-one years, was committing a violation of the traffic laws of the state, or political
33 subdivision of the state, and such officer has reasonable grounds to believe, after making such
34 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

35 (2) That the person refused to submit to a chemical test;

36 (3) Whether the officer secured the license to operate a motor vehicle of the person;

37 (4) Whether the officer issued a fifteen-day temporary permit;

38 (5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice
39 of the right to file a petition for review, which notices and permit may be combined in one
40 document; and

41 (6) Any license to operate a motor vehicle which the officer has taken into possession.

42 3. Upon receipt of the officer's report, the director shall revoke the license of the person
43 refusing to take the test for a period of one year; or if the person is a nonresident, such person's
44 operating permit or privilege shall be revoked for one year; or if the person is a resident without
45 a license or permit to operate a motor vehicle in this state, an order shall be issued denying the
46 person the issuance of a license or permit for a period of one year.

47 4. If a person's license has been revoked because of the person's refusal to submit to a
48 chemical test, such person may petition for a hearing before a circuit division or associate
49 division of the court in the county in which the arrest or stop occurred. The person may request
50 such court to issue an order staying the revocation until such time as the petition for review can
51 be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form
52 prescribed by the director of revenue and shall send a copy of such order to the director. Such
53 order shall serve as proof of the privilege to operate a motor vehicle in this state and the director
54 shall maintain possession of the person's license to operate a motor vehicle until termination of
55 any revocation pursuant to this section. Upon the person's request the clerk of the court shall
56 notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on
57 behalf of the director of revenue. At the hearing the court shall determine only:

58 (1) Whether or not the person was arrested or stopped;

59 (2) Whether or not the officer had:

60 (a) Reasonable grounds to believe that the person was driving a motor vehicle while in
61 an intoxicated or drugged condition; or

62 (b) Reasonable grounds to believe that the person stopped, being under the age of
63 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths
64 of one percent or more by weight; or

65 (c) Reasonable grounds to believe that the person stopped, being under the age of
66 twenty-one years, was committing a violation of the traffic laws of the state, or political
67 subdivision of the state, and such officer had reasonable grounds to believe, after making such
68 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

69 (3) Whether or not the person refused to submit to the test.

70 5. If the court determines any issue not to be in the affirmative, the court shall order the
71 director to reinstate the license or permit to drive.

72 6. Requests for review as provided in this section shall go to the head of the docket of
73 the court wherein filed.

74 7. No person who has had a license to operate a motor vehicle suspended or revoked
75 pursuant to the provisions of this section shall have that license reinstated until such person has
76 participated in and successfully completed a substance abuse traffic offender program defined
77 in section 577.001, or a program determined to be comparable by the department of mental
78 health or the court. Assignment recommendations, based upon the needs assessment as
79 described in subdivision (23) of section 302.010, shall be delivered in writing to the person with
80 written notice that the person is entitled to have such assignment recommendations reviewed by
81 the court if the person objects to the recommendations. The person may file a motion in the
82 associate division of the circuit court of the county in which such assignment was given, on a

83 printed form provided by the state courts administrator, to have the court hear and determine
84 such motion pursuant to the provisions of chapter 517. The motion shall name the person or
85 entity making the needs assessment as the respondent and a copy of the motion shall be served
86 upon the respondent in any manner allowed by law. Upon hearing the motion, the court may
87 modify or waive any assignment recommendation that the court determines to be unwarranted
88 based upon a review of the needs assessment, the person's driving record, the circumstances
89 surrounding the offense, and the likelihood of the person committing a like offense in the future,
90 except that the court may modify but may not waive the assignment to an education or
91 rehabilitation program of a person determined to be a prior or persistent offender as defined in
92 section 577.023, or of a person determined to have operated a motor vehicle with
93 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with
94 the court determination of the motion shall satisfy the provisions of this section for the purpose
95 of reinstating such person's license to operate a motor vehicle. The respondent's personal
96 appearance at any hearing conducted pursuant to this subsection shall not be necessary unless
97 directed by the court.

98 8. The fees for the substance abuse traffic offender program, or a portion thereof to be
99 determined by the division of alcohol and drug abuse of the department of mental health, shall
100 be paid by the person enrolled in the program. Any person who is enrolled in the program shall
101 pay, in addition to any fee charged for the program, a supplemental fee to be determined by the
102 department of mental health for the purposes of funding the substance abuse traffic offender
103 program defined in section 302.010 and section 577.001. The administrator of the program shall
104 remit to the division of alcohol and drug abuse of the department of mental health on or before
105 the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less
106 two percent for administrative costs. Interest shall be charged on any unpaid balance of the
107 supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall
108 accrue at a rate not to exceed the annual rates established pursuant to the provisions of section
109 32.065, plus three percentage points. The supplemental fees and any interest received by the
110 department of mental health pursuant to this section shall be deposited in the mental health
111 earnings fund which is created in section 630.053.

112 9. Any administrator who fails to remit to the division of alcohol and drug abuse of the
113 department of mental health the supplemental fees and interest for all persons enrolled in the
114 program pursuant to this section shall be subject to a penalty equal to the amount of interest
115 accrued on the supplemental fees due the division pursuant to this section. If the supplemental
116 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the
117 department of mental health within six months of the due date, the attorney general of the state

118 of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.
119 The court shall assess attorney fees and court costs against any delinquent program.

120 10. Any person who has had a license to operate a motor vehicle revoked more than once
121 for violation of the provisions of this section shall be required to file proof with the director of
122 revenue that any motor vehicle operated by the person is equipped with a functioning, certified
123 ignition interlock device as a required condition of license reinstatement. Such ignition interlock
124 device shall further be required to be maintained on all motor vehicles operated by the person
125 for a period of not less than six months immediately following the date of reinstatement. If the
126 person fails to maintain such proof with the director as required by this section, the license shall
127 be rerevoked and the person shall be guilty of a class A misdemeanor.

128 11. The revocation period of any person whose license and driving privilege has been
129 revoked under this section and who has filed proof of financial responsibility with the
130 department of revenue in accordance with chapter 303 and is otherwise eligible, shall be
131 terminated by a notice from the director of revenue after one year from the effective date of the
132 revocation. Unless proof of financial responsibility is filed with the department of revenue, the
133 revocation shall remain in effect for a period of two years from its effective date. If the person
134 fails to maintain proof of financial responsibility in accordance with chapter 303, the person's
135 license and driving privilege shall be rerevoked and the person shall be guilty of a class A
136 misdemeanor.]

577.060. 1. A person commits the [crime] **offense** of leaving the scene of [a motor
2 vehicle] **an** accident when:

3 (1) Being the operator [or driver] of a vehicle [on the highway or on any publicly or
4 privately owned parking lot or parking facility generally open for use by the public and knowing
5 that an injury has been caused to a person or damage has been caused to property, due to his
6 culpability or to accident,] **or a vessel involved in an accident resulting in injury or death or**
7 **damage to property of another person; and**

8 (2) **Having knowledge of such accident** he **or she** leaves the place of the injury,
9 damage or accident without stopping and giving [his name, residence, including city and street
10 number, motor vehicle number and driver's license number, if any,] **the following information**
11 to the [injured] **other** party or to a [police] **law enforcement** officer, or if no [police] **law**
12 **enforcement** officer is in the vicinity, then to the nearest [police station or judicial officer] **law**
13 **enforcement agency:**

14 (a) **His or her name; and**

15 (b) **His or her residence, including city and street number; and**

16 (c) **The registration or license number for his or her vehicle or vessel; and**

17 (d) **His or her operator's license number, if any.**

18 2. For the purposes of this section, all [peace] **law enforcement** officers shall have
19 jurisdiction, when invited by an injured person, to enter the premises of any privately owned
20 [parking lot or parking facility] **property** for the purpose of investigating an accident and
21 performing all necessary duties regarding such accident.

22 3. **The offense of** leaving the scene of [a motor vehicle] **an** accident is [a class A
23 misdemeanor, except that it shall be a class D felony if the accident resulted in:

24 (1) Physical injury to another party; or

25 (2) Property damage in excess of one thousand dollars; or

26 (3) If the defendant has previously pled guilty to or been found guilty of a violation of
27 this section] :

28 **(1) A class A misdemeanor;**

29 **(2) A class E felony if:**

30 **(a) Physical injury was caused to another party; or**

31 **(b) Damage in excess of one thousand dollars was caused to the property of another**
32 **person; or**

33 **(c) The defendant has previously been found guilty of a violation of any offense**
34 **committed in another jurisdiction which, if committed in this state, would be a violation**
35 **of an offense in this section.**

36 4. **A law enforcement officer who investigates or receives information of an accident**
37 **involving an all-terrain vehicle and also involving the loss of life or serious physical injury**
38 **shall make a written report of the investigation or information received and such**
39 **additional facts relating to the accident as may come to his or her knowledge, mail the**
40 **information to the department of public safety, and keep a record thereof in his or her**
41 **office.**

42 5. **The provisions of this section shall not apply to the operation of all-terrain**
43 **vehicles when property damage is sustained in sanctioned all-terrain vehicle races, derbies**
44 **and rallies.**

577.068. 1. A person commits the [crime] **offense** of [leaving the scene of] **failure to**
2 **report** a shooting when[,] :

3 **(1)** Being in possession of a firearm or projectile weapon as defined in section 571.010,
4 [such person] **he or she** discharges such firearm or projectile weapon and causes injury or death
5 to another person [and such person,] ; **and**

6 **(2)** Knowing that he **or she** has caused such injury or death, [leaves the place of the
7 shooting without giving his name, address, and driver's license number, if applicable,] **fails to**
8 **report such shooting** to a law enforcement officer. If no such officer is in the vicinity where
9 the shooting occurs, the person must provide such information to the nearest [police station or]

10 law enforcement [officer. A person is not in violation of this section if he leaves the scene of a
11 shooting in order to obtain medical assistance or contact law enforcement authorities to notify
12 them of the shooting, so long as such person returns to the scene of the shooting or otherwise
13 provides the information required by this section to a law enforcement officer within a
14 reasonable time after the shooting] **agency.**

15 **2. Failure to report a shooting is:**

16 **(1) A class A misdemeanor;**

17 **(2) A class E felony if the person has previously been found guilty of a violation of**
18 **this section or any offense committed in another jurisdiction which, if committed in this**
19 **state, would be a violation of an offense described in this section.**

20 **3. A person is not in violation of this section if he or she fails to report a shooting**
21 **in order to obtain medical assistance or contact law enforcement authorities to notify them**
22 **of the shooting, so long as such person returns to the scene of the shooting or otherwise**
23 **reports the shooting as provided herein within a reasonable time after the shooting.**

24 **[2.] 4. All [peace] law enforcement officers and reserve [peace] law enforcement**
25 **officers [certified under the provisions of chapter 590] shall have authority to investigate**
26 **shootings and arrest a person who violates subsection 1 of this section, except that conservation**
27 **agents may enforce such provisions as to hunting related shootings. For the purpose of this**
28 **section, a "hunting-related shooting" shall be defined as any shooting in which a person is injured**
29 **as a result of hunting activity that involves the discharge of a hunting weapon.**

30 **[3. Leaving the scene of a shooting is a class A misdemeanor, except that it is a class D**
31 **felony if the person has previously pled guilty to or been found guilty of a violation of this**
32 **section.]**

577.070. 1. A person commits the [crime] offense of littering if he [throws or] or she
2 **places, deposits, or causes to be [thrown or] placed or deposited, any glass, glass bottles, wire,**
3 **nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on**
4 **the right-of-way of any public road or state highway or on or in any of the waters in this state or**
5 **on the banks of any stream, or on any land or water owned, operated or leased by the state, any**
6 **board, department, agency or commission thereof or on any land or water owned, operated or**
7 **leased by the federal government or on any private real property owned by another without [his]**
8 **the owner's consent.**

9 **2. The offense of littering is a class [A] C misdemeanor unless:**

10 **(1) Such littering creates a substantial risk of physical injury or property damage**
11 **to another; or**

12 **(2) The person has been found guilty of a violation of this section or an offense**
13 **committed in another jurisdiction which, if committed in this state, would be a violation**
14 **under this section, in which case it is a class A misdemeanor.**

577.073. 1. [It is unlawful for any person to throw waste paper, tin cans, bottles, rubbish
2 of any kind, or contaminate in any manner, any spring, pool or stream within a state park, nor
3 shall any person other than authorized personnel of the department of natural resources cut,
4 prune, pick or deface or injure in any manner the flowers, trees, shrub or any other flora growing
5 on the land or in the water of any state park] **A person commits the offense of damaging state**
6 **park property if he or she:**

7 **(1) Knowingly places or deposits waste paper, tin cans, bottles, or rubbish of any**
8 **kind within a state park;**

9 **(2) Contaminates, in any manner, any spring, pool, or stream within a state park;**

10 **(3) Cuts, prunes, picks, defaces, or injures, in any manner, the flowers, trees, shrub,**
11 **or any other flora growing on the land or in the water of any state park except as**
12 **performed or directed by authorized personnel of the department of natural resources;**

13 **(4) Removes, injures, disfigures, defaces, or destroys an object of archaeological or**
14 **historical value or interest within a state park except as performed or directed by**
15 **authorized personnel of the department of natural resources.**

16 2. [No person shall be permitted to offer or advertise merchandise or other goods for sale
17 or hire, or to maintain any concession, or use any park facilities, buildings, trails, roads or other
18 state park property for commercial use except by written permission or concession contract with
19 the department of natural resources; except that, the provisions of this subsection shall not apply
20 to the normal and customary use of public roads by commercial and noncommercial
21 organizations for the purpose of transporting persons or vehicles, including, but not limited to,
22 canoes.

23 3. No object of archaeological or historical value or interest within a state park may be
24 removed, injured, disfigured, defaced or destroyed except by authorized personnel.

25 4. Any person violating any of the provisions of this section shall be deemed guilty of
26 a misdemeanor] **The offense of damaging state park property is a class C misdemeanor,**
27 **unless:**

28 **(1) Such damage creates a substantial risk of physical injury or property damage**
29 **to another; or**

30 **(2) The defendant has previously been found guilty of a violation of this section or**
31 **an offense committed in another jurisdiction which, if committed in this state, would be a**
32 **violation under this section, in which case it is a class A misdemeanor.**

577.075. 1. [It shall be unlawful for any] **A person commits the offense of unlawful release of anhydrous ammonia if he or she is** not the owner or not in lawful control of an approved container of anhydrous ammonia [to release or allow] **and knowingly releases or allows** the escape of anhydrous ammonia into the atmosphere.

2. **The offense of** unlawful release of anhydrous ammonia is a class B felony, unless such release causes **serious physical injury or** death [of a human being or causes serious physical injury] to any person in which case it is a class A felony.

577.076. 1. [If any] **A person** [or persons shall put any dead animal, carcass or part thereof, the offal or any other filth] **commits the offense of unlawful disposition of a dead animal if he or she knowingly places or causes to be placed the carcass or offal of any dead animal:**

(1) Into any well, spring, brook, branch, creek, pond, or lake[, every person so offending shall, on conviction thereof, be fined not less than twenty-five nor more than five hundred dollars.

2. If any person shall remove, or cause to be removed and placed in or near any] ; or

(2) **On any public road or highway, river, stream, or watercourse** or upon premises not his **or her** own[, or in any river, stream or watercourse any dead animal, carcass or part thereof, or other nuisance, to the annoyance of the citizens of this state, or any of them, every person so offending shall, upon conviction thereof, be fined for every offense not less than twenty-five dollars nor more than five hundred dollars, and if such nuisance be not removed within three days thereafter, it shall be deemed a second offense against the provisions of this section] **for the purpose of annoying another or others.**

2. **The offense of unlawful disposition of a dead animal is a class C misdemeanor.**

[569.072.] **577.078.** 1. A person commits the [crime] **offense** of criminal water contamination if such person knowingly introduces any dangerous radiological, chemical or biological agent or substance into any public or private waters of the state or any water supply with the purpose of causing death or serious physical injury to another person.

2. **The offense of** criminal water contamination is a class B felony.

577.080. 1. A person commits the [crime] **offense** of abandoning a [motor] vehicle, vessel, or trailer if he **or she knowingly** abandons any motor vehicle, vessel, or trailer on:

(1) The right-of-way of any public road or state highway [or] ;

(2) On or in any of the waters in this state [or] ;

(3) On the banks of any stream[, or] ;

(4) On any land or water owned, operated or leased by the state, any board, department, agency or commission thereof, or any political subdivision thereof [or] ;

(5) On any land or water owned, operated or leased by the federal government; or

9 **(6)** On any private real property owned by another without his **or her** consent.

10 2. For purposes of this section, the last owner of record of a [motor] vehicle, vessel, or
11 trailer found abandoned and not shown to be transferred pursuant to sections 301.196 and
12 301.197 shall be deemed prima facie [to have been the owner] **evidence of ownership** of such
13 [motor] vehicle, vessel, or trailer at the time it was abandoned and [to have been] the person who
14 abandoned the [motor] vehicle, vessel, or trailer or caused or procured its abandonment. The
15 registered owner of the abandoned [motor] vehicle, vessel, or trailer shall not be subject to the
16 penalties provided by this section if the [motor] vehicle, vessel, or trailer was in the care,
17 custody, or control of another person at the time of the violation. In such instance, the owner
18 shall submit such evidence in an affidavit permitted by the court setting forth the name, address,
19 and other pertinent information of the person who leased, rented, or otherwise had care, custody,
20 or control of the [motor] vehicle, vessel, or trailer at the time of the alleged violation. The
21 affidavit submitted pursuant to this subsection shall be admissible in a court proceeding
22 adjudicating the alleged violation and shall raise a rebuttable presumption that the person
23 identified in the affidavit was in actual control of the [motor] vehicle, vessel, or trailer. In such
24 case, the court has the authority to terminate the prosecution of the summons issued to the owner
25 and issue a summons to the person identified in the affidavit as the operator. If the [motor]
26 vehicle, vessel, or trailer is alleged to have been stolen, the owner of the [motor] vehicle, vessel,
27 or trailer shall submit proof that a police report was filed in a timely manner indicating that the
28 vehicle or vessel was stolen at the time of the alleged violation.

29 3. **The offense of** abandoning a [motor] vehicle, vessel, or trailer is a class A
30 misdemeanor.

31 4. Any person convicted pursuant to this section shall be civilly liable for all reasonable
32 towing, storage, and administrative costs associated with the abandonment of the [motor]
33 vehicle, vessel, or trailer. Any reasonable towing, storage, and administrative costs in excess of
34 the value of the abandoned [motor] vehicle, vessel, or trailer that exist at the time the [motor
35 vehicle or vessel] **property** is transferred pursuant to section 304.156 shall remain the liability
36 of the person convicted pursuant to this section so long as the towing company, as defined in
37 chapter 304, provided the title owner and lienholders, as ascertained by the department of
38 revenue records, a notice within the time frame and in the form as described in subsection 1 of
39 section 304.156.

577.100. 1. A person commits the [crime] **offense** of abandonment of **an** airtight
2 [icebox] **or semiairtight container** if he **or she knowingly** abandons, discards, or [knowingly]
3 permits to remain on premises under his **or her** control, in a place accessible to children, any
4 abandoned or discarded icebox, refrigerator, or other airtight or semiairtight container which has
5 a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more

6 and which has a door or lid equipped with hinge, latch or other fastening device capable of
7 securing such door or lid, without rendering such equipment harmless to human life by removing
8 such hinges, latches or other hardware which may cause a person to be confined therein.

9 2. Subsection 1 of this section does not apply to an icebox, refrigerator or other airtight
10 or semiairtight container located in that part of a building occupied by a dealer, [warehouseman
11 or repairman] **warehouse operator or repair person**.

12 3. The defendant shall have the burden of injecting the issue under subsection 2 of this
13 section.

14 4. **The offense of abandonment of an airtight [icebox] or semiairtight container is a**
15 **class B misdemeanor.**

577.150. [Whoever willfully or maliciously] **1. A person commits the offense of**
2 **tampering with a water supply if he or she purposely:**

3 **(1)** Poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir
4 used for domestic or municipal purposes[, or whoever willfully or maliciously] ; **or**

5 **(2)** Diverts, dams up and holds back from its natural course and flow any spring, brook
6 or other water supply for domestic or municipal purposes, after said water supply shall have once
7 been taken for use by any person or persons, corporation, town or city for their use[, shall be
8 adjudged guilty of a misdemeanor, and punished by a fine not less than fifty nor more than five
9 hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such
10 fine and imprisonment, and shall be liable to the party injured for three times the actual damage
11 sustained, to be recovered by suit at law].

12 **2. The offense of tampering with a water supply is a class A misdemeanor.**

577.155. 1. [No] A person, firm, corporation or political subdivision [shall construct or
2 use any waste disposal well located in this state] **commits the offense of construction or use**
3 **of a waste disposal well if such person, firm, corporation, or political subdivision**
4 **knowingly constructs or uses a waste disposal well.**

5 2. As used in this section, "waste disposal well" [shall mean] **means** any subsurface void
6 porous formation or cavity, natural or artificial, used for the disposal of liquid or semi-aqueous
7 waste except as excluded in subsection 3 of this section.

8 3. "Waste disposal well" shall not include:

9 (1) Sanitary landfills or surface mining pits used for the disposal of nonputrescible solid
10 wastes as defined in section 64.460;

11 (2) Cesspools used solely for disposal of waste from private residences; or

12 (3) Septic tanks used solely for disposal of waste.

13 4. It shall not be a violation of this section to:

14 (1) Inject or return fluids into subsurface formations in connection with oil or gas
15 operations regulated by the state oil and gas council pursuant to chapter 259;

16 (2) Inject or return water into subsurface formations pursuant to chapter 644 and section
17 192.020 in connection with the following instances:

18 (a) Any groundwater heat pump injection/withdrawal well that is limited to a single
19 family residence;

20 (b) Any groundwater heat pump injection/withdrawal well that is limited to eight or less
21 single family residences as long as the combined injection/withdrawal rate is less than six
22 hundred thousand British Thermal Units per hour;

23 (c) All other uses of groundwater heat pump injection/withdrawal wells shall be subject
24 to a permitting procedure as established and regulated by the clean water commission; or

25 (3) Backfill cavities as an integral part of the mining operation with aggregate or other
26 material obtained from that operation to either reduce accumulation of waste on the surface or
27 to provide additional ground support in the mined-out areas or to inundate such cavities with
28 water devoid of toxic liquid wastes, but the person, firm, or corporation who so backfills may
29 not do so without the consent of the owner of the property to be backfilled.

30 5. [Any person, firm, or corporation who violates any provision of this section is guilty
31 of a misdemeanor and, upon conviction, shall be punished as provided by law] **The offense of**
32 **construction or use of a waste disposal well is a class A misdemeanor.** Each day of violation
33 constitutes a separate offense.

577.161. 1. [No] A person [shall prohibit] **commits the offense of prohibiting** the use
2 of a life jacket **if he or she knowingly disallows the use of a life jacket** in a swimming pool
3 by any individual who, as evidenced by a statement signed by a licensed physician, suffers from
4 a physical disability or condition which necessitates the use of such life jacket.

5 2. [Any person violating subsection 1 of this section shall be guilty of] **As used in this**
6 **section the following terms mean:**

7 (1) "Swimming pool", any artificial basin of water which is modified, improved,
8 constructed or installed for the purpose of public swimming, and includes: pools for
9 community use, pools at apartments, condominiums, and other groups of associations
10 having five or more living units, clubs, churches, camps, schools, institutions, Y.M.C.A. and
11 Y.W.C.A. parks, recreational areas, motels, hotels and other commercial establishments.
12 It does not include pools at private residences intended only for the use of the owner or
13 guests;

14 (2) "Person", any individual, group of individuals, association, trust, partnership,
15 corporation, person doing business under an assumed name, county, municipality, the state
16 of Missouri, or any political subdivision or department thereof, or any other entity;

17 **(3) "Life jacket", a life jacket, life vest or any other flotation device designed to be**
18 **worn about the body to assist in maintaining buoyancy in water.**

19 **3. The offense of prohibiting the use of a life jacket is a class C misdemeanor.**

[568.052.] **577.300.** 1. As used in this section, the following terms mean:

2 (1) "Collision", the act of a motor vehicle coming into contact with an object or a person;

3 (2) ["Injury",] **"Injures", to cause** physical harm to the body of a person;

4 (3) "Motor vehicle", any automobile, truck, truck-tractor, or any motor bus or
5 motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks;

6 (4) "Unattended", not accompanied by an individual fourteen years [of age] **old** or older.

7 2. A person commits the [crime] **offense** of leaving a child unattended in a motor vehicle
8 in the first degree if such person knowingly leaves a child [ten years of age or] less **than eleven**
9 **years of age** unattended in a motor vehicle and such child fatally injures another person by
10 causing a motor vehicle collision or by causing the motor vehicle to fatally injure a pedestrian.
11 [Such person shall be guilty of]

12 **3. Leaving a child unattended in a motor vehicle in the first degree is a class C**
13 **felony.**

14 [3.] **4.** A person commits the [crime] **offense** of leaving a child unattended in a motor
15 vehicle in the second degree if such person knowingly leaves a child [ten years of age or] less
16 **than eleven years old** unattended in a motor vehicle and such child injures another person by
17 causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian. [Such
18 person shall be guilty of]

19 **5. The offense of leaving a child unattended in a motor vehicle in the second degree**
20 **is a class A misdemeanor.**

577.599. 1. A person commits the offense of failure to comply with ignition
2 **interlock device requirements if he or she knowingly operates a motor vehicle that is not**
3 **equipped with a functioning certified ignition interlock device in violation of a court order**
4 **to use such a device.**

5 **2. The offense of failure to comply with ignition interlock device requirements is**
6 **a class A misdemeanor.**

577.600. 1. [In addition to any other provisions of law, a court may require that any
2 person who is found guilty of or pleads guilty to a first intoxication-related traffic offense, as
3 defined in section 577.023, and a court shall require that any person who is found guilty of or
4 pleads guilty to a second or subsequent intoxication-related traffic offense, as defined in section
5 577.023, shall not operate any motor vehicle unless that vehicle is equipped with a functioning,
6 certified ignition interlock device for a period of not less than six months from the date of
7 reinstatement of the person's driver's license. In addition, any court authorized to grant a limited

8 driving privilege under section 302.309 to any person who is found guilty of or pleads guilty to
9 a second or subsequent intoxication-related traffic offense shall require the use of an ignition
10 interlock device on all vehicles operated by the person as a required condition of the limited
11 driving privilege. These requirements shall be in addition to any other provisions of this chapter
12 or chapter 302 requiring installation and maintenance of an ignition interlock device. Any
13 person required to use an ignition interlock device, either under the provisions of this chapter or
14 chapter 302, shall comply with such requirement subject to the penalties provided by this section.

15 2. No] A person [shall knowingly rent, lease or lend a motor] **commits the offense of**
16 **renting, leasing, or lending a vehicle** to a person [known to have had that person's driving
17 privilege restricted as provided in subsection 1 of this section,] **with a limited driving privilege**
18 **if he or she knowingly rents, leases, or lends a vehicle to a person subject to a limited**
19 **driving privilege under section 302.309 requiring that person to use an ignition interlock**
20 **device on all vehicles operated by the person** unless the vehicle [is equipped with a
21 functioning, certified ignition interlock device. Any person whose driving privilege is restricted
22 as provided in subsection 1 of this section shall notify any other person who rents, leases or loans
23 a motor vehicle to that person of the driving restriction imposed pursuant to this section.

24 3. Any person convicted of a violation of this section shall be guilty of] **being rented,**
25 **leased, or loaned is equipped with a functioning, certified ignition interlock device.**

26 2. **The offense of renting, leasing, or lending a vehicle to a person with a restricted**
27 **driving privilege is a class A misdemeanor.**

577.605. 1. A person commits the offense of failure to notify another of driving
2 **restrictions if he or she is subject to a limited driving privilege under section 302.309,**
3 **requiring him or her to use of an ignition interlock device on all vehicles he or she operates**
4 **and he or she knowingly fails to notify any other person who rents, leases or loans a vehicle**
5 **to that person of such driving restriction.**

6 2. **The offense of failing to notify another of driving restrictions is a class A**
7 **misdemeanor.**

577.612. 1. [It is unlawful for any] A person [whose driving privilege is restricted
2 **pursuant to the provisions of this chapter or chapter 302 to request or solicit any other person to**
3 **blow into an ignition interlock device or to start a motor vehicle equipped with the device for the**
4 **purpose of providing the person so restricted with an operable motor vehicle.**

5 2. It is unlawful to blow] **commits the offense of tampering with or circumventing**
6 **the operation of an ignition interlock device if:**

7 (1) **His or her driving privilege is restricted by a prohibition on the operation of any**
8 **vehicle unless that vehicle is equipped with a functioning, certified ignition interlock**
9 **device, and he or she knowingly requests or solicits any other person to blow into an**

10 **ignition interlock device or to start a vehicle equipped with the device for the purpose of**
11 **providing the person so restricted with an operable vehicle; or**

12 (2) **He or she blows** into an ignition interlock device or [to start a motor] **starts a**
13 vehicle equipped with the device for the purpose of providing an operable [motor] vehicle to a
14 person whose driving privilege is restricted pursuant to the provisions of this chapter or chapter
15 302[.

16 3. It is unlawful to tamper] **by a prohibition on the operation of any vehicle unless**
17 **that vehicle is equipped with a functioning, certified ignition interlock device; or**

18 (3) **He or she tampers** with, or [circumvent] **circumvents** the operation of, an ignition
19 interlock device.

20 [4. Any person who violates any provision of this section is guilty of]

21 **2. The offense of tampering with or circumventing the operation of an ignition**
22 **interlock device is a class A misdemeanor.**

577.675. 1. [It shall be unlawful for any person to knowingly transport, move, or attempt
2 to transport in the state of Missouri] **A person commits the offense of transportation of an**
3 **illegal alien if he or she knowingly transports, moves, or attempts to transport or move** any
4 illegal alien who is not lawfully present in the United States, according to the terms of 8 U.S.C.
5 Section 1101, et seq., for the purposes of trafficking in violation of sections 566.200 to 566.215,
6 drug trafficking in violation of sections [195.222 and 195.223] **579.065 and 579.068,**
7 prostitution in violation of chapter 567, or employment.

8 2. [Any person violating the provisions of subsection 1 of this section shall be guilty of
9 a felony for which the authorized term of imprisonment is a term of years not less than one year,
10 or by a fine in an amount not less than one thousand dollars, or by both such fine and
11 imprisonment] **The offense of transportation of an illegal alien is a class D felony.**

12 3. Nothing in this section shall be construed to deny any victim of an offense under
13 sections 566.200 to 566.215 of rights afforded by the federal Trafficking Victims Protection Act
14 of 2000, Public Law 106-386, as amended.

[578.300.] **577.700.** As used in sections [578.300 to 578.330] **577.700 to 577.718** and
2 section 307.176 unless the context clearly requires otherwise, the following terms shall mean:

3 (1) "Bus", any passenger bus or coach or other motor vehicle having a seating capacity
4 of not less than fifteen passengers operated by a bus transportation company for the purpose of
5 carrying passengers or cargo for hire, but not to include a bus or coach utilized exclusively to
6 transport children to and from schools;

7 (2) "Bus transportation company" or "company", any person, groups of persons or
8 corporation providing for-hire transport to passengers or cargo by bus upon the highways of this
9 state, whether in interstate or intrastate travel, but not to include a company utilizing buses

10 transporting children to and from school. This term shall also include bus transportation
11 facilities owned or operated by local public bodies, municipalities, public corporations, boards
12 and commissions except school districts established under the laws of this state;

13 (3) "Charter", a group of persons who, pursuant to a common purpose and under a single
14 contract, and at a fixed charge for the vehicle in accordance with a bus transportation company's
15 tariff, have acquired the exclusive use of a bus to travel together as a group to a specified
16 destination;

17 (4) "Passenger", any person served by the transportation company and, in addition to the
18 ordinary meaning of passenger, this term shall also include persons accompanying or meeting
19 another who is transported by a company, any person shipping or receiving cargo;

20 (5) "Terminal", a bus station or depot or any facility operated or leased by or operated
21 on behalf of a bus transportation company, including a reasonable area immediately adjacent to
22 any designated stop along the route traveled by any coach operated by a bus transportation
23 company, and parking lots or parking areas adjacent to a terminal.

[578.305.] **577.703.** 1. **A person commits** the offense of ["bus hijacking"] is defined
2 as the seizure or exercise of] **if he or she seizes or exercises** control, by force or violence or
3 threat of force or violence, of any bus [within the jurisdiction of this state]. **The offense of bus**
4 **hijacking [shall be] is** a class B felony.

5 2. The offense of "assault with the intent to commit bus hijacking" is defined as an
6 intimidation, threat, assault or battery toward any driver, attendant or guard of a bus so as to
7 interfere with the performance of duties by such person. Assault to commit bus hijacking [shall
8 **be] is** a class [C] **D** felony.

9 3. Any person, who, in the commission of such intimidation, threat, assault or battery
10 with the intent to commit bus hijacking, employs a dangerous or deadly weapon or other means
11 capable of inflicting serious bodily injury shall, upon conviction, be guilty of a class A felony.

12 4. Any passenger who boards a bus with a dangerous or deadly weapon or other means
13 capable of inflicting serious bodily injury concealed upon his **or her** person or effects is guilty
14 of the felony of "possession and concealment of a dangerous or deadly weapon" upon a bus.
15 Possession and concealment of a dangerous and deadly weapon by a passenger upon a bus [shall
16 **be] is** a class [C] **D** felony. The provisions of this subsection shall not apply to duly elected or
17 appointed law enforcement officers or commercial security personnel who are in possession of
18 weapons used within the course and scope of their employment; nor shall the provisions of this
19 subsection apply to persons who are in possession of weapons or other means of inflicting
20 serious bodily injury with the consent of the owner of such bus, [or] his **or her** agent, or the
21 lessee or bailee of such bus.

[578.310.] **577.706.** 1. [It is unlawful for any person at any time to bomb or to plant or
2 place] **A person commits the offense of planting a bomb or explosive in or near a bus or**
3 **terminal if he or she bombs, plants, or places** any bomb or other explosive matter or thing in,
4 upon, or near any terminal or bus, wherein a person or persons are located or being transported,
5 or where there is being stored, [or] shipped or prepared for shipment, any goods, wares,
6 merchandise or anything of value. [Any person who violates the provisions of this subsection
7 shall be guilty of] **The offense of planting a bomb or explosive in or near a bus or terminal**
8 **is a class A felony.**

9 2. [It is unlawful for any person to threaten to commit the offense defined in subsection
10 1 of this section.] Any person [convicted of threatening] **who threatens** to commit the offense
11 [defined in subsection 1] **of planting a bomb or explosive in or near a bus or terminal** shall
12 be guilty of a class [C] **D** felony.

13 3. [It is unlawful to discharge] **Any person who discharges** any firearm or [hurl] **hurls**
14 any missile at, [or] into [and/or] , **or** upon any bus, terminal, or other transportation facility[.
15 Any person who violates the provisions of this subsection] shall be guilty of a class B felony.

[578.315.] **577.709.** 1. It is unlawful, while on a bus, in the terminal, or on property
2 contiguous thereto for any person:

3 (1) To threaten a breach of the peace or use any obscene, profane, or vulgar language;

4 (2) To be under the influence of alcohol [or] , unlawfully under the influence of a
5 controlled substance [or] , to ingest or have in his possession any controlled substance unless
6 properly prescribed by a physician or medical facility, or to drink intoxicating liquor of any kind
7 in or upon any passenger bus except a chartered bus;

8 (3) To fail to obey a reasonable request or order of a bus driver or any duly authorized
9 company representative.

10 2. If any person shall violate any provision of [subsection 1] **this section**, the driver of
11 the bus, or person in charge thereof, may stop it at the place where the offense is committed, or
12 at the next regular or convenient stopping place of the bus and require the person to leave the
13 bus.

14 3. [Any person violating any provision of subsection 1 is deemed guilty of] **Violation**
15 **of this section is** a class C misdemeanor.

[578.320.] **577.712.** 1. In order to provide for the safety, comfort, and well-being of
2 passengers and others having a bona fide business interest in any terminal, a bus transportation
3 company may refuse admission to terminals to any person not having bona fide business within
4 the terminal. Any such refusal shall not be inconsistent or contrary to state or federal laws,
5 regulations pursuant thereto, or to any ordinance of the political subdivision in which such
6 terminal is located. A duly authorized company representative may ask any person in a terminal

7 or on the premises of a terminal to identify himself **or herself** and state his **or her** business.
8 Failure to comply with such request or failure to state an acceptable business purpose shall be
9 grounds for the company representative to request that such person leave the terminal. Refusal
10 to comply with such request shall constitute disorderly conduct. Disorderly conduct shall be a
11 class C misdemeanor.

12 2. It is unlawful for any person to carry a deadly or dangerous weapon or any explosives
13 or hazardous material into a terminal or aboard a bus. Possession of a deadly or dangerous
14 weapon, explosive or hazardous material shall be a class [C] **D** felony. Upon the discovery of
15 any such item or material, the company may obtain possession and retain custody of such item
16 or material until it is transferred to the custody of law enforcement officers.

[578.325.] **577.715.** A duly authorized security guard may detain within the terminal any
2 person committing an act declared unlawful by any provision of sections [578.300 to 578.330]
3 **577.700 to 577.718** and section 307.176 until law enforcement authorities arrive. Such detention
4 shall not constitute unlawful imprisonment and neither the company nor such company
5 representative personally shall be civilly or criminally liable upon grounds of unlawful
6 imprisonment or assault providing that only reasonable force is exercised against any person so
7 detained.

[578.330.] **577.718.** [1. It is unlawful to remove] **A person commits the offense of**
2 **removal of baggage or cargo without the owner's permission if he or she removes** any
3 baggage, cargo or other item transported upon a bus or stored in a terminal without the consent
4 of the owner of such property or the company, or its duly authorized representative. [Any person
5 violating the provisions of this subsection shall be guilty of a class D felony.

6 2. The actual value of an item removed in violation of subsection 1 shall not be material
7 to the crime herein defined.]

8 **The actual value of an item removed is not material to the offense. The offense of removal**
9 **of baggage or cargo without the owner's permission is a class E felony.**

578.009. 1. A person [is guilty] **commits the offense** of animal neglect [when] **if he or**
2 **she:**

3 (1) Has custody or ownership [or both] of an animal and fails to provide adequate care
4 or adequate control, which results in substantial harm to the animal; **or**

5 (2) **Knowingly abandons an animal in any place without making provisions for its**
6 **adequate care.**

7 2. [A person is guilty of abandonment he has knowingly abandoned an animal in any
8 place without making provisions for its adequate care.

9 3.] **The offense of** animal neglect [and abandonment] is a class C misdemeanor [upon
10 first conviction and for each offense, punishable by imprisonment or a fine not to exceed five

11 hundred dollars, or both, and a class B misdemeanor punishable by imprisonment or a fine not
12 to exceed one thousand dollars, or both upon the second and all subsequent convictions] **unless**
13 **the person has previously been found guilty of an offense under this section, or an offense**
14 **in another jurisdiction which would constitute an offense under this section, in which case**
15 **it is a class B misdemeanor.**

16 3. All fines and penalties for a first [conviction of animal neglect or abandonment]
17 **finding of guilt under this section** may be waived by the court [provided that] **if** the person
18 found guilty of animal neglect [or abandonment] shows that adequate, permanent remedies for
19 the neglect [or abandonment] have been made. Reasonable costs incurred for the care and
20 maintenance of neglected [or abandoned] animals may not be waived. This section shall not
21 apply to the provisions of section 578.007.

22 4. In addition to any other penalty imposed by this section, the court may order a person
23 found guilty of animal neglect [or abandonment] to pay all reasonable costs and expenses
24 necessary for:

25 (1) The care and maintenance of neglected [or abandoned] animals within the person's
26 custody or ownership;

27 (2) The disposal of any dead or diseased animals within the person's custody or
28 ownership;

29 (3) The reduction of resulting organic debris affecting the immediate area of the neglect
30 [or abandonment]; and

31 (4) The avoidance or minimization of any public health risks created by the neglect [or
32 abandonment] of the animals.

578.012. 1. A person [is guilty] **commits the offense** of animal abuse [when a person]
2 **if he or she:**

3 (1) Intentionally or purposely kills an animal in any manner not allowed by or expressly
4 exempted from the provisions of sections 578.005 to 578.023 and 273.030;

5 (2) Purposely or intentionally causes injury or suffering to an animal; or

6 (3) Having ownership or custody of an animal knowingly fails to provide adequate care
7 or adequate control.

8 2. Animal abuse is a class A misdemeanor, unless the defendant has previously [plead
9 guilty to or has] been found guilty of animal abuse or the suffering involved in subdivision (2)
10 of subsection 1 of this section is the result of torture or mutilation[, or both,] consciously
11 inflicted while the animal was alive, in which case it is a class [D] **E** felony.

578.018. 1. Any duly authorized public health official or law enforcement official may
2 seek a warrant from the appropriate court to enable him **or her** to enter private property in order
3 to inspect, care for, or impound neglected or abused animals. All requests for such warrants shall

4 be accompanied by an affidavit stating the probable cause to believe a violation of sections
5 578.005 to 578.023 has occurred. A person acting under the authority of a warrant shall:

6 (1) Be given a disposition hearing before the court through which the warrant was issued,
7 within thirty days of the filing of the request for the purpose of granting immediate disposition
8 of the animals impounded;

9 (2) Place impounded animals in the care or custody of a veterinarian, the appropriate
10 animal control authority, or an animal shelter. If no appropriate veterinarian, animal control
11 authority, or animal shelter is available, the animal shall not be impounded unless it is diseased
12 or disabled beyond recovery for any useful purpose;

13 (3) Humanely kill any animal impounded if it is determined by a licensed veterinarian
14 that the animal is diseased or disabled beyond recovery for any useful purpose;

15 (4) Not be liable for any necessary damage to property while acting under such warrant.

16 2. The owner or custodian or any person claiming an interest in any animal that has been
17 impounded because of neglect or abuse may prevent disposition of the animal by posting bond
18 or security in an amount sufficient to provide for the animal's care and keeping for at least thirty
19 days, inclusive of the date on which the animal was taken into custody. Notwithstanding the fact
20 that bond may be posted pursuant to this subsection, the authority having custody of the animal
21 may humanely dispose of the animal at the end of the time for which expenses are covered by
22 the bond or security, unless there is a court order prohibiting such disposition. Such order shall
23 provide for a bond or other security in the amount necessary to protect the authority having
24 custody of the animal from any cost of the care, keeping or disposal of the animal. The authority
25 taking custody of an animal shall give notice of the provisions of this section by posting a copy
26 of this section at the place where the animal was taken into custody or by delivering it to a person
27 residing on the property.

28 3. The owner or custodian of any animal humanely killed pursuant to this section shall
29 not be entitled to recover any damages related to nor the actual value of the animal if the animal
30 was found by a licensed veterinarian to be diseased or disabled, or if the owner or custodian
31 failed to post bond or security for the care, keeping and disposition of the animal after being
32 notified of impoundment.

578.021. If a person is [adjudicated] **found** guilty of the [crime] **offense** of animal
2 neglect or animal abuse and the court having jurisdiction is satisfied that an animal owned or
3 controlled by such person would in the future be subject to such neglect or abuse, such animal
4 shall not be returned to or allowed to remain with such person, but its disposition shall be
5 determined by the court.

578.023. 1. [No person may keep] **A person commits the offense of keeping a**
2 **dangerous wild animal if he or she keeps** any lion, tiger, leopard, ocelot, jaguar, cheetah,

3 margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, bear, nonhuman primate,
4 coyote, any deadly, dangerous, or poisonous reptile, or any deadly or dangerous reptile over eight
5 feet long, in any place other than a properly maintained zoological park, circus, scientific, or
6 educational institution, research laboratory, veterinary hospital, or animal refuge, unless [such
7 person] **he or she** has registered such animals with the local law enforcement agency in the
8 county in which the animal is kept.

9 2. [Any person violating the provisions of this section shall be guilty of] **The offense of**
10 **keeping a dangerous wild animal is a class C misdemeanor.**

578.024. 1. [If a dog that has] **A person commits the offense of keeping a dangerous**
2 **dog if he or she owns or possesses a dog that has** previously bitten a person or a domestic
3 animal without provocation **and that dog** bites any person on a subsequent occasion[, the owner
4 or possessor is guilty of a class B misdemeanor unless such attack] .

5 **2. The offense of keeping a dangerous dog is a class B misdemeanor, unless such**
6 **attack:**

7 (1) Results in serious injury to any person, in which case, [the owner or possessor is
8 guilty of] **it is** a class A misdemeanor; or

9 (2) Results in serious injury to any person and any previous attack also resulted in
10 serious injury to any person, in which case, [the owner or possessor is guilty of] **it is** a class [D]
11 **E** felony; or

12 (3) Results in the death of any person, in which case, [the owner or possessor shall be
13 guilty of] **it is** a class [C] **D** felony.

14 [2.] **3.** In addition to the penalty included in subsection [1] **2** of this section, if any dog
15 that has previously bitten a person or a domestic animal without provocation bites any person
16 on a subsequent occasion or if a dog that has not previously bitten a person attacks and causes
17 serious injury to or the death of any human, the dog shall be seized immediately by an animal
18 control authority or by the county sheriff. The dog shall be impounded and held for ten business
19 days after the owner or possessor is given written notification and thereafter destroyed.

20 [3.] **4.** The owner or possessor of the dog that has been impounded may file a written
21 appeal to the circuit court to contest the impoundment and destruction of such dog. The owner
22 or possessor shall provide notice of the filing of the appeal to the animal control authority or
23 county sheriff who seized the dog. If the owner or possessor files such an appeal and provides
24 proper notice, the dog shall remain impounded and shall not be destroyed while such appeal is
25 pending and until the court issues an order for the destruction of the dog. The court shall hold
26 a disposition hearing within thirty days of the filing of the appeal to determine whether such dog
27 shall be humanely destroyed. The court may order the owner or possessor of the dog to pay the
28 costs associated with the animal's keeping and care during the pending appeal.

29 [4.] **5.** Notwithstanding any provision of sections 273.033 and 273.036, section 578.022
30 and this section to the contrary, if a dog attacks or bites a person who is engaged in or attempting
31 to engage in a criminal activity at the time of the attack, the owner or possessor is not guilty of
32 any crime specified under this section or section 273.036, and is not civilly liable under this
33 section or section 273.036, nor shall such dog be destroyed as provided in subsection [2] **3** of this
34 section, nor shall such person engaged in or attempting to engage in a criminal activity at the
35 time of the attack be entitled to the defenses set forth in section 273.033. For purposes of this
36 section "criminal activity" shall not include the act of trespass upon private property under
37 section 569.150 as long as the trespasser does not otherwise engage in, attempt to engage in, or
38 have intent to engage in other criminal activity nor shall it include any trespass upon private
39 property by a person under the age of twelve under section 569.140.

578.025. 1. [Any person who] **A person commits the offense of dogfighting if he or
2 she:**

3 (1) Owns, possesses, keeps, or trains any dog, with the intent that such dog shall be
4 engaged in an exhibition of fighting with another dog;

5 (2) For amusement or gain, causes any dog to fight with another dog, or causes any dogs
6 to injure each other; or

7 (3) Permits any act as described in subdivision (1) or (2) of this subsection to be done
8 on any premises under his **or her** charge or control, or aids or abets any such act [is guilty of a
9 class D felony].

10 2. [Any person who] **The offense of dogfighting is a class E felony.**

11 **3. A person commits the offense of spectating dogfighting if he or she** is knowingly
12 present, as a spectator, at any place, building, or structure where preparations are being made for
13 an exhibition of the fighting of dogs, with the intent to be present at such preparations, or is
14 knowingly present at such exhibition or at any other fighting or injuring as described in
15 subdivision (2) of subsection 1 of this section, with the intent to be present at such exhibition,
16 fighting, or injuring [is guilty of a class A misdemeanor].

17 **4. The offense of spectating dogfighting is a class A misdemeanor.**

18 [3.] **5.** Nothing in this section shall be construed to prohibit:

19 (1) The use of dogs in the management of livestock by the owner of such livestock [or]
20 , his **or her** employees or agents, or other persons in lawful custody of such livestock; **or**

21 (2) The use of dogs in hunting; or

22 (3) The training of dogs or the use of equipment in the training of dogs for any purpose
23 not prohibited by law.

578.027. 1. [No person shall tie or attach or fasten] **A person commits the offense of
2 causing a dog to pursue a live animal propelled by a device if he or she ties or attaches or**

3 **fastens** any live animal to any machine or device propelled by any power for the purpose of
4 causing such animal to be pursued by a dog or dogs.

5 2. [Any person violating this section is guilty of] **The offense of causing a dog to**
6 **pursue a live animal propelled by a device is** a class A misdemeanor.

578.028. [Any] 1. A person [who] **commits the offense of unlawful removal of an**
2 **electronic dog collar or radio transmitting device if he or she** removes an electronic or radio
3 transmitting collar from a dog without the permission of the owner of the dog with the intent to
4 prevent or hinder the owner from locating the dog [is guilty of a class A misdemeanor. Upon
5 a plea or finding of guilt,] .

6 **2. The offense of unlawful removal of an electronic dog collar or radio transmitting**
7 **device is a class A misdemeanor.** The court shall order [that the defendant] **any person found**
8 **guilty under this section to** pay as restitution the actual value of any dog lost or killed as a result
9 of such removal. The court may also order restitution to the owner for any lost breeding
10 revenues.

578.029. 1. A person commits the [crime] **offense** of knowingly releasing an animal if
2 [that person] **he or she**, acting without the consent of the owner or custodian of an animal,
3 intentionally releases any animal that is lawfully confined for the purpose of companionship or
4 protection of persons or property or for recreation, exhibition or educational purposes.

5 2. As used in this section "animal" means every living creature, domesticated or wild,
6 but not including Homo sapiens.

7 3. The provisions of this section shall not apply to a public servant acting in the course
8 of such servant's official duties.

9 4. **The offense of** intentionally releasing an animal is a class B misdemeanor [except that
10 the second or any subsequent offense] , **unless the defendant has previously been found guilty**
11 **of a violation under this section, in which case it** is a class [D] E felony.

578.030. 1. The provisions of section 43.200 notwithstanding, any member of the state
2 highway patrol or other law enforcement officer may apply for and serve a search warrant, and
3 shall have the power of search and seizure in order to enforce the provisions of sections 578.025
4 to 578.050.

5 2. Any member of the state highway patrol or other law enforcement officer making an
6 arrest under section 578.025 shall lawfully take possession of all dogs or other animals and all
7 paraphernalia, implements, or other property or things used or employed, or about to be
8 employed, in the violation of any of the provisions of section 578.025. Such officer, after taking
9 possession of such dogs, animals, paraphernalia, implements or other property or things, shall
10 file with the court before whom the complaint is made against any person so arrested an affidavit
11 stating therein the name of the person charged in such complaint, a description of the property

12 so taken and the time and place of the taking thereof together with the name of the person from
13 whom the same was taken and the name of the person who claims to own such property, if
14 known, and that the affiant has reason to believe and does believe, stating the ground of such
15 belief, that the property so taken was used or employed, or was about to be used or employed,
16 in such violation of section 578.025. He **or she** shall thereupon deliver the property so taken to
17 the court, which shall, by order in writing, place the same in the custody of an officer or other
18 proper person named and designated in such order, to be kept by him **or her** until the conviction
19 or final discharge of such person complained against, and shall send a copy of such order without
20 delay to the prosecuting attorney of the county. The officer or person so named and designated
21 in such order shall immediately thereupon assume the custody of such property and shall retain
22 the same, subject to the order of the court before which such person so complained against may
23 be required to appear for trial. Upon the conviction of the person so charged, all property so
24 seized shall be adjudged by the court to be forfeited and shall thereupon be destroyed or
25 otherwise disposed of as the court may order. In the event of the acquittal or final discharge
26 without conviction of the person so charged, such court shall, on demand, direct the delivery of
27 such property so held in custody to the owner thereof.

578.095. 1. [Any person who] **A person commits the offense of desecrating a flag if**
2 **he or she** purposefully and publicly mutilates, defaces, defiles, tramples upon or otherwise
3 desecrates the national flag of the United States or the state flag of the state of Missouri [is guilty
4 of the crime of flag desecration].

5 2. [National flag desecration] **The offense of desecrating a flag** is a class A
6 misdemeanor.

578.100. 1. [Whoever] **A person commits the offense of selling goods on a Sunday**
2 **if he or she** engages on Sunday in the business of selling or sells or offers for sale on such day,
3 at retail, motor vehicles; clothing and wearing apparel; clothing accessories; furniture;
4 housewares; home, business or office furnishings; household, business or office appliances;
5 hardware; tools; paints; building and lumber supply materials; jewelry; silverware; watches;
6 clocks; luggage; musical instruments and recordings or toys; excluding novelties and souvenirs[;
7 is guilty of a misdemeanor and shall upon conviction for the first offense be sentenced to pay a
8 fine of not exceeding one hundred dollars, and for the second or any subsequent offense be
9 sentenced to pay a fine of not exceeding two hundred dollars or undergo confinement not
10 exceeding thirty days in the county jail in default thereof].

11 2. **The offense of selling goods on a Sunday is a misdemeanor and persons found**
12 **guilty for the first offense shall be sentenced to pay a fine not exceeding on hundred**
13 **dollars, and for the second or any subsequent offense be sentenced to pay a fine not**

14 **exceeding two hundred dollars or undergo confinement not exceeding thirty days in the**
15 **county jail.**

16 **3.** Each separate sale or offer to sell shall constitute a separate offense.

17 **[3.] 4.** Information charging violations of this section shall be brought within five days
18 after the commission of the alleged offense and not thereafter.

19 **[4.] 5.** The operation of any place of business where any goods, wares or merchandise
20 are sold or exposed for sale in violation of this section is hereby declared to be a public and
21 common nuisance.

22 **[5.** Any county of this state containing all or part of a city with a population of over four
23 hundred thousand may exempt itself from the application of this section by submission of the
24 proposition to the voters of the county at a general election or a special election called for that
25 purpose, and the proposition receiving a majority of the votes cast therein. The proposal to
26 exempt the county from the provisions of this section shall be submitted to the voters of the
27 county upon a majority vote of the governing body of the county or when a petition requesting
28 the submission of the proposal to the voters and signed by a number of qualified voters residing
29 in the county equal to eight percent of the votes cast in the county in the next preceding
30 gubernatorial election is filed with the governing body of the county. The ballot of submission
31 shall contain, but not be limited to, the following language:

32 ☐ FOR the exemption of County from the Sunday sales law

33 ☐ AGAINST the exemption of County from the Sunday sales law

34

35 If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county
36 are in favor of the proposal, then the provisions of this section shall no longer apply within that
37 county. If a majority of the votes cast on the proposal by the qualified voters voting thereon in
38 the county are opposed to the proposal, then the provisions of this section shall continue to apply
39 and be enforced within that county. The exemption of any county from the provisions of this
40 section shall not become effective in that county until the results of the vote exempting the
41 county have been filed with the secretary of state and with the revisor of statutes and have been
42 certified as received by those officers. The revisor of statutes shall note which counties are
43 exempt from the provisions of this section in the Missouri revised statutes.]

44 **6. This section shall not apply to any county in which the voters have elected to be**
45 **exempted from the provision of this section as of August 28, 2012, nor shall it apply to any**
46 **county that exempts itself under this section.** In addition to any other method of exemption
47 provided by law, the governing body of any county of this state may exempt itself from the
48 application of this section by order or ordinance of the governing body of the county after public
49 hearing upon the matter. Such public hearing shall be preceded by public notice which shall, at

50 a minimum, be published at least three different times in the newspaper with the greatest
51 circulation in the county. Upon such order or ordinance becoming effective, such county shall
52 be exempt from the provisions of this section and no election or other method of exemption shall
53 be required. The exemption of any county from the provisions of this section by order or
54 ordinance shall not become effective in that county until the order or ordinance has been filed
55 with the secretary of state and the revisor of statutes and has been certified as received by those
56 officers. The revisor of statutes shall note which counties are exempt from the provisions of this
57 section in the Missouri revised statutes.

58 **7. Any other county may exempt itself from the application of this section by a vote**
59 **of the qualified voters of the county. The county shall submit the proposition to the voters**
60 **of the county at any election, and the proposition shall receive a majority of the votes cast.**
61 **The proposition to exempt the county from the provisions of this section shall be submitted**
62 **to the voters of the county upon a majority vote of the governing body of the county or**
63 **when a petition requesting the submission of the proposition to the voters and signed by**
64 **a number of registered voters residing in the county equal to eight percent of the votes cast**
65 **in the county in the next preceding gubernatorial election is filed with the governing body**
66 **of the county. The ballot of submission shall contain, but need not be limited to, the**
67 **following language:**

68

69 **To exempt County from the Sunday sales law.**

70

☐ YES

☐ NO

71

72 **If a majority of the votes cast on the proposal by the registered voters voting thereon in the**
73 **county are in favor of the proposal, then the provisions of this section shall no longer apply**
74 **within that county. If a majority of the votes cast on the proposal by the registered voters**
75 **voting thereon in the county are opposed to the proposal, then the provisions of section**
76 **578.100 shall continue to apply and be enforced within that county. The exemption of the**
77 **county from the provisions of section 578.100 shall not become effective in that county until**
78 **the results of the vote exempting the county have been filed with the secretary of state and**
79 **with the revisor of statutes and have been certified as received by those officers. The**
80 **revisor of statutes shall note which counties are exempt from the provisions of this section**
81 **in the Missouri revised statutes.**

82

83 **8. (1) Notwithstanding any provision in this chapter to the contrary, no dealer,**
84 **distributor or manufacturer licensed under section 301.559 may keep open, operate, or**
85 **assist in keeping open or operating any established place of business for the purpose of**
buying, selling, bartering or exchanging, or offering for sale, barter or exchange, any

86 **motor vehicle, whether new or used, on Sunday. However, this section does not apply to**
87 **the sale of manufactured housing; the sale of recreational motor vehicles; washing, towing,**
88 **wrecking or repairing operations; the sale of petroleum products, tires, and repair parts**
89 **and accessories; or new vehicle shows or displays participated in by five or more**
90 **franchised dealers or in towns or cities with five or fewer dealers, a majority.**

91 **(2) No association consisting of motor vehicle dealers, distributors or**
92 **manufacturers licensed under section 301.559 shall be in violation of antitrust or restraint**
93 **of trade statutes under chapter 416 or regulations promulgated thereunder solely because**
94 **it encourages its members not to open or operate on Sunday a place of business for the**
95 **purpose of buying, selling, bartering or exchanging any motor vehicle.**

96 **(3) Violation of the provisions of this subsection is a class C misdemeanor.**

578.151. 1. It is the intent of the general assembly of the state of Missouri to recognize
2 that all persons shall have the right to hunt, fish and trap in this state in accordance with law and
3 the rules and regulations made by the commission as established in article IV of the Constitution
4 of Missouri.

5 2. [Any person who] **A person commits the offense of interference with hunting,**
6 **fishing, or trapping in the first degree if he or she** intentionally interferes with the lawful
7 taking of wildlife by another [is guilty of the crime of interference with lawful hunting, fishing
8 or trapping in the first degree].

9 3. It shall be considered a violation of this section to intentionally harass, drive, or
10 disturb any game animal or fish for the purpose of disrupting lawful hunting, fishing or trapping.

11 4. **The offense of** interference with lawful hunting, fishing or trapping in the first degree
12 **is a class A misdemeanor.**

578.152. 1. [Any person who] **A person commits the offense of interference with**
2 **hunting, fishing, or trapping in the second degree if he or she** enters or remains in a hunting,
3 fishing or trapping area where lawful hunting, fishing or trapping may occur with the intent to
4 interfere with the lawful taking of wildlife [is guilty of the crime of interference with lawful
5 hunting, fishing or trapping in the second degree].

6 2. **The offense of** interference with lawful hunting, fishing, or trapping in the second
7 **degree is a class B misdemeanor.**

578.153. 1. A peace officer as defined by chapter 590 who reasonably believes that a
2 person has violated section 578.151 or 578.152 may order the person to desist. **The offense of**
3 **failure to obey the order of a peace officer to desist from conduct in violation of sections 578.151**
4 **and 578.152 [shall be] is a class A misdemeanor.**

5 2. Any law enforcement officer shall and any agent of the conservation commission may
6 enforce the provisions of sections 578.151, 578.152 and this section and arrest violators of such
7 sections.

8 3. The conduct declared unlawful by sections 578.151 and 578.152 shall not include any
9 lawful activity by the landowner or persons in lawful possession of the land.

578.173. [Baiting or fighting animals -- penalty.]

2 1. [Any person who commits any of the following acts is guilty of a class D felony] **A**
3 **person commits the offense of baiting or fighting animals if he or she:**

4 (1) [Baiting or fighting] **Baits or fights** animals;

5 (2) [Permitting] **Permits** baiting or animal fighting to be done on any premises under his
6 **or her** charge or control;

7 (3) [Promoting, conducting, or staging] **Promotes, conducts, or stages** a baiting or fight
8 between two or more animals;

9 (4) [Advertising] **Advertises** a baiting or fight between two or more animals;

10 (5) [Collecting] **Collects** any admission fee for a baiting or fight between two or more
11 animals[.

12 2. Any person who commits any of the following acts is guilty of a class A
13 misdemeanor:

14 (1)] ;

15 **(6)** Knowingly [attending] **attends** the baiting or fighting of animals;

16 [(2)] **(7)** Knowingly [selling, offering for sale, shipping, or transporting] **sells, offers for**
17 **sale, ships, or transports** any animal which has been bred or trained to bait or fight another
18 animal;

19 [(3) Owning or possessing]

20 **(8)** **Owns or possesses** any of the cockfighting implements, commonly known as gaffs
21 and slashers, or any other sharp implement designed to be attached to the leg of a gamecock; **or**

22 [(4) Manufacturing, selling, bartering or exchanging]

23 **(9)** **Manufactures, sells, barters, or exchanges** any of the cockfighting implements,
24 commonly known as gaffs and slashers, or any other sharp implement designed to be attached
25 to the leg of a gamecock.

26 **2. The offense of baiting or fighting animals is a class E felony.**

578.176. [Bear wrestling -- penalty. Any person who commits any of the following acts
2 is guilty of a class A misdemeanor] **1. A person commits the offense of bear wrestling if he**
3 **or she:**

4 (1) **Wrestles a bear** [wrestling];

- 5 (2) [Permitting] **Permits** bear wrestling to be done on any premises under his **or her**
6 charge or control;
- 7 (3) [Promoting, conducting, or staging] **Promotes, conducts, or stages** bear wrestling;
- 8 (4) [Advertising] **Advertises** bear wrestling;
- 9 (5) [Collecting] **Collects** any admission fee for bear wrestling;
- 10 (6) [Purchasing, selling, or possessing] **Purchases, sells, or possesses** a bear which he
11 **or she** knows will be used for bear wrestling;
- 12 (7) [Training] **Trains** a bear for bear wrestling;
- 13 (8) [Subjecting] **Subjects** a bear to surgical alteration for bear wrestling.
- 14 **2. The offense of bear wrestling is a class A misdemeanor.**

578.350. 1. [Any] **A** person licensed under chapter 334 or 335 who treats a person for
2 a wound inflicted by gunshot [shall] **commits the infraction of medical deception if he or she**
3 **knowingly fails to** immediately report to a local law enforcement official the name and address
4 of the person, if known, and if unknown, a description of the person, together with an
5 explanation of the nature of the wound and the circumstances under which the treatment was
6 rendered.

7 2. [Any person licensed under chapter 334 or 335 who knowingly fails to report the
8 injuries described in this section is guilty of the offense of medical deception.

9 3. Medical deception is an infraction.] **A person licensed under chapter 334 or 335**
10 **who, in good faith, makes a report under this section shall have immunity from civil**
11 **liability that otherwise might result from such report and shall have the same immunity**
12 **with respect to any good faith participation in any judicial proceeding in which the**
13 **reported gunshot wound is an issue. Notwithstanding the provisions of subdivision (5) of**
14 **section 491.060, the existence of a physician-patient relationship shall not prevent a**
15 **physician from submitting the report required in this section, or testifying regarding**
16 **information acquired from a patient treated for a gunshot wound if such testimony is**
17 **otherwise admissible.**

578.365. 1. A person commits the [crime] **offense** of hazing if he **or she** knowingly
2 participates in or causes [hazing, as it is defined in section 578.360.

3 2. Hazing is a class A misdemeanor, unless the act creates a substantial risk to the life
4 of the student or prospective member, in which case it is a class C felony] **a willful act,**
5 **occurring on or off the campus of a public or private college or university, directed against**
6 **a student or a prospective member of an organization operating under the sanction of a**
7 **public or private college or university, that recklessly endangers the mental or physical**
8 **health or safety of a student or prospective member for the purpose of initiation or**
9 **admission into or continued membership in any such organization to the extent that such**

10 person is knowingly placed at probable risk of the loss of life or probable bodily or
11 psychological harm. Acts of hazing include:

12 (1) Any activity which recklessly endangers the physical health or safety of the
13 student or prospective member, including but not limited to physical brutality, whipping,
14 beating, branding, exposure to the elements, forced consumption of any food, liquor, drug
15 or other substance, or forced smoking or chewing of tobacco products; or

16 (2) Any activity which recklessly endangers the mental health of the student or
17 prospective member, including but not limited to sleep deprivation, physical confinement,
18 or other extreme stress-inducing activity; or

19 (3) Any activity that requires the student or prospective member to perform a duty
20 or task which involves a violation of the criminal laws of this state or any political
21 subdivision in this state.

22 2. Public or private colleges or universities in this state shall adopt a written policy
23 prohibiting hazing by any organization operating under the sanction of the institution.

24 3. Nothing in [sections 578.360 to 578.365] **this section** shall be interpreted as creating
25 a new private cause of action against any educational institution.

26 4. Consent is not a defense to hazing. Section 565.080 does not apply to hazing cases
27 or to homicide cases arising out of hazing activity.

28 5. The offense of hazing is a class A misdemeanor, unless the act creates a
29 substantial risk to the life of the student or prospective member, in which case it is a class
30 D felony.

578.398. 1. A person commits the offense of sports bribery in the first degree if he
2 or she gives, promises or offers any benefit to any participant or prospective participant
3 in any sport or game with the purpose to influence him or her to lose or try to lose or cause
4 to be lost or to limit the margin of victory in any sport or game in which the participant is
5 taking part, or expects to take part, or has any duty or connection therewith.

6 2. The offense of sports bribery in the first degree is a class D felony.

578.399. 1. A person commits the offense of sports bribery in the second degree if
2 he or she, being a participant or prospective participant in any sport or game, accepts,
3 attempts to obtain, or solicits any benefit in exchange for losing or trying to lose or causing
4 to be lost or limiting the margin of victory in any sport or game in which the participant
5 is taking part, or expects to take part, or has any duty or connection therewith.

6 2. The offense of sports bribery in the second degree is a class A misdemeanor.

578.405. 1. [Sections 578.405 to 578.412] **This section** shall be known and may be
2 cited as "The Animal Research and Production Facilities Protection Act".

3 2. As used in [sections 578.405 to 578.412] **this section**, the following terms mean:

4 (1) "Animal", every living creature, domestic or wild, but not including Homo sapiens;
5 (2) "Animal facility", any facility engaging in legal scientific research or agricultural
6 production or involving the use of animals, including any organization with a primary purpose
7 of representing livestock production or processing, any organization with a primary purpose of
8 promoting or marketing livestock or livestock products, any person licensed to practice
9 veterinary medicine, any organization involved in the production of pet food or pet food
10 research, and any organization with a primary purpose of representing any such person,
11 organization, or institution. The term shall include the owner, operator, and employees of any
12 animal facility and the offices and vehicles of any such persons while engaged in duties related
13 to the animal facility, and any premises where animals are located[;

14 (3) "Director", the director of the department of agriculture].

15 [578.407. No person shall] **3. A person commits the offense of prohibited acts**
16 **against animal research and production facilities if he or she:**

17 (1) [Release, steal] **Releases, steals**, or otherwise intentionally [cause] **causes** the death,
18 injury, or loss of any animal at or from an animal facility and not authorized by that facility;

19 (2) [Damage, vandalize, or steal] **Damages, vandalizes, or steals** any property in or on
20 an animal facility;

21 (3) [Obtain] **Obtains** access to an animal facility by false pretenses for the purpose of
22 performing acts not authorized by the facility;

23 (4) [Enter] **Enters** or otherwise [interfere] **interferes** with an animal facility with the
24 intent to destroy, alter, duplicate or obtain unauthorized possession of records, data, material,
25 equipment, or animals;

26 (5) Knowingly [obtain] **obtains**, by theft or deception, control over records, data,
27 material, equipment, or animals of any animal facility for the purpose of depriving the rightful
28 owner or animal facility of the records, material, data, equipment, or animals, or for the purpose
29 of concealing, abandoning, or destroying such records, material, data, equipment, or animals; **or**

30 (6) [Enter or remain] **Enters or remains** on an animal facility with the intent to commit
31 an act prohibited by this section.

32 **4. The offense of prohibited acts against animal research and production facilities**
33 **is a class A misdemeanor unless:**

34 (1) **The loss or damage to the animal facility is fifty dollars or more, in which case**
35 **it is a class E felony;**

36 (2) **The loss or damage to the animal facility is seven hundred fifty dollars or more,**
37 **in which case it is a class D felony;**

38 (3) **The loss or damage to the animal facility is one thousand dollars or more, in**
39 **which case it is a class C felony;**

40 **(4) The loss or damage to the animal facility is twenty-five thousand dollars or**
41 **more, in which case it is a class B felony.**

42 **5. Any person who intentionally agrees with another person to violate this section**
43 **and commits an act in furtherance of such violation shall be guilty of the same class of**
44 **violation as provided in subsection 4 of this section.**

45 **6. In the determination of the value of the loss, theft, or damage to an animal**
46 **facility, the court shall conduct a hearing to determine the reasonable cost of replacement**
47 **of materials, data, equipment, animals, and records that were damaged, destroyed, lost, or**
48 **cannot be returned, as well as the reasonable cost of lost production funds and repeating**
49 **experimentation that may have been disrupted or invalidated as a result of the violation**
50 **of this section.**

51 **7. Any persons found guilty of a violation of this section shall be ordered by the**
52 **court to make restitution, jointly and severally, to the owner, operator, or both, of the**
53 **animal facility, in the full amount of the reasonable cost as determined under subsection**
54 **6 of this section.**

55 **8. Any person who has been damaged by a violation of this section may recover all**
56 **actual and consequential damages, punitive damages, and court costs, including reasonable**
57 **attorneys' fees, from the person causing such damage.**

58 **9. Nothing in this section shall preclude any animal facility injured in its business**
59 **or property by a violation of this section from seeking appropriate relief under any other**
60 **provision of law or remedy including the issuance of an injunction against any person who**
61 **violates this section. The owner or operator of the animal facility may petition the court**
62 **to permanently enjoin such persons from violating this section and the court shall provide**
63 **such relief.**

64 **10. The director of the department of agriculture may promulgate rules and**
65 **regulations necessary for the enforcement of this section. The director shall have the**
66 **authority to investigate any alleged violation of this section, along with any other law**
67 **enforcement agency, and may take any action within the director's authority necessary for**
68 **the enforcement of this section. The attorney general, the highway patrol, and other law**
69 **enforcement officials shall provide assistance required in the conduct of an investigation.**
70 **Any rule or portion of a rule, as that term is defined in section 536.010, that is created**
71 **under the authority delegated in this section shall become effective only if it complies with**
72 **and is subject to all of the provisions of chapter 536 and if applicable, section 536.028. This**
73 **section and chapter 536 are nonseverable and if any of the powers vested with the general**
74 **assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove**
75 **and annul a rule are subsequently held unconstitutional, then the grant of rulemaking**

76 **authority and any rule proposed or adopted after August 28, 2013, shall be invalid and**
77 **void.**

578.421. As used in sections 578.421 to 578.437, the following terms mean:

- 2 (1) "Criminal street gang", any ongoing organization, association, or group of three or
3 more persons, whether formal or informal, having as one of its primary activities the commission
4 of one or more of the criminal acts enumerated in subdivision (2) of this section, which has a
5 common name or common identifying sign or symbol, whose members individually or
6 collectively engage in or have engaged in a pattern of criminal gang activity;
- 7 (2) "Pattern of criminal street gang activity", the commission, attempted commission,
8 or solicitation of two or more of the following offenses, provided at least one of those offenses
9 occurred after August 28, 1993, and the last of those offenses occurred within three years after
10 a prior offense, and the offenses are committed on separate occasions, or by two or more persons:
 - 11 (a) Assault with a deadly weapon or by means of force likely to cause serious physical
12 injury, as provided in sections 565.050 and [565.060] **565.052**;
 - 13 (b) Robbery, arson and those offenses under chapter 569 which are related to robbery
14 and arson;
 - 15 (c) Murder or manslaughter, as provided in sections 565.020 to 565.024;
 - 16 (d) Any violation of the provisions of chapter [195] **579** which involves the distribution,
17 delivery or manufacture of a substance prohibited by chapter [195] **579**;
 - 18 (e) [Unlawful use of a weapon which is a felony pursuant to section 571.030] **Any**
19 **felony offense of sections 571.031 to 571.044; or**
 - 20 (f) Tampering with witnesses and victims, as provided in section 575.270.

578.425. Any person who is convicted of a felony or a misdemeanor which is committed
2 for the benefit of, at the direction of, or in association with, any criminal street gang, with the
3 specific intent to promote, further, or assist in any criminal conduct by gang members, shall be
4 punished in the following manner:

- 5 (1) Any person who violates this section in the commission of a misdemeanor shall be
6 punished by imprisonment in the county jail not to exceed one year, or by imprisonment in a
7 state correctional facility for one, two, or three years;
- 8 (2) Any person who violates this section in the commission of a felony shall, upon
9 conviction of that felony, in addition and consecutive to the punishment prescribed for the felony
10 of which he **or she** has been convicted, be punished by an additional term of one, two, or three
11 years at the court's discretion. If the underlying felony is committed on the grounds of, or within
12 one thousand feet of a public or private elementary, vocational, junior high or high school, the
13 additional term shall be two, three, or four years, at the court's discretion. The court shall order
14 the imposition of the middle term of the sentence enhancement, unless there are circumstances

15 in aggravation or mitigation. The court shall state the reasons for its choice of sentence
16 enhancements on the record at the time of sentencing;

17 (3) Any person who violates this section in the commission of a felony punishable by
18 death or imprisonment for life shall not be paroled until a minimum of fifteen calendar years
19 have been served in the custody of the department of corrections.

578.430. 1. Any room, building, structure or inhabitable structure as defined in section
2 [569.010] **556.061** which is used by a criminal street gang in a pattern of criminal street gang
3 activity shall be deemed a public nuisance. No person shall keep or maintain such a public
4 nuisance.

5 2. The attorney general, circuit attorney or prosecuting attorney may, in addition to any
6 criminal prosecutions, prosecute a suit in equity to enjoin the public nuisance. If the court finds
7 that the owner of the room, building, structure or inhabitable structure knew that the premises
8 were being used for criminal street gangs in a pattern of criminal street gang activity, the court
9 may order that the premises shall not be occupied or used for such period as the court may
10 determine, not to exceed one year.

11 3. All persons, including owners, lessees, officers, agents, offenders or employees, aiding
12 or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance.

13 **4. It is unlawful for a person to keep or maintain such a public nuisance. In**
14 **addition to any other criminal prosecutions, the prosecuting attorney or circuit attorney**
15 **may by information or indictment charge the owner or the occupant, or both the owner**
16 **and the occupant, of the room, building, structure, or inhabitable structure with the crime**
17 **of keeping or maintaining a public nuisance. Keeping or maintaining a public nuisance**
18 **is a class D felony.**

578.437. No weapon shall be declared a nuisance pursuant to section 578.435 and this
2 section unless reasonable notice has been given to the lawful owner thereof, if his **or her** identity
3 and address can be reasonably ascertained. The law enforcement agency shall inform the lawful
4 owner at that person's last known address by registered mail that the owner of the weapon has
5 thirty days from the date of receipt of the notice to respond to the clerk of the court to confirm
6 his **or her** desire for a hearing, and that the failure to respond shall result in a default order and
7 thereupon such weapon shall be declared a nuisance. If the person requests a hearing the court
8 shall set a hearing no later than sixty days from the receipt of such request, and shall notify the
9 person, the law enforcement agency involved, and the prosecuting attorney of the date, time, and
10 place of the hearing. At such hearing the burden of proof shall be upon the state to show by a
11 preponderance of the evidence that the seized item has been or will be used in criminal street
12 gang activity, or that the return of the weapon would likely result in the endangering of the lives
13 of others.

[566.221.] **578.475.** 1. An international marriage broker shall provide notice to each recruit that the criminal history record information and marital history information of clients and basic rights information are available from the organization. The notice of the availability of such information must be in a conspicuous location, in the recruit's native language, in lettering that is at least one-quarter of an inch in height, and presented in a manner that separates the different types of information available.

2. An international marriage broker shall disseminate to a recruit the criminal history record information and marital history information of a client and basic rights information no later than thirty days after the date the international marriage broker receives the criminal history record information and the marital history information on the client. Such information must be provided in the recruit's native language and the organization shall pay the costs incurred to translate the information.

3. A client of an international marriage broker shall:

(1) Obtain a copy of his or her own criminal history record information;

(2) Provide the criminal history record information to the international marriage broker; and

(3) Provide to the international marriage broker his or her own marital history information.

4. An international marriage broker shall require the client to affirm that the marital history information is complete and accurate and includes information regarding marriages, annulments, and dissolutions that occurred in another state or foreign country.

5. An international marriage broker shall not provide any further services to the client or the recruit until the organization has obtained the required criminal history record information and marital history information and provided the information to the recruit.

6. An international marriage broker shall be deemed to be doing business in Missouri if it contracts for matchmaking services with a Missouri resident or is considered to be doing business pursuant to other laws of the state.

7. A person who [pleads guilty to or] is found guilty of violating the provisions of this section shall not be required to register as a sexual offender pursuant to the provisions of section 589.400, unless such person is otherwise required to register pursuant to the provisions of such section.

8. It shall be a class [D] E felony to willfully provide incomplete or false information pursuant to this section.

9. Failure to provide the information and notice required pursuant to this section shall be a class [D] E felony.

36 10. No provision of this section shall preempt any other right or remedy available under
37 law to any party utilizing the services of an international marriage broker or other international
38 marriage organization.

578.520. 1. [No person shall fish, hunt, or trap] **A person commits the offense of**
2 **unlawful fishing, hunting, or trapping on private land if he or she fishes, hunts, or traps**
3 upon or [retrieve] **retrieves** wildlife from any private land that is not owned or in the possession
4 of such person without permission from the owner or lessee of such land.

5 2. [Any person who violates the provisions of this section is guilty of a class B
6 misdemeanor.

7 3.] Any person who knowingly enters or remains on private property for the purpose of
8 hunting, fishing, trapping, or retrieving wildlife in violation of subsection 1 of this section may,
9 in addition to the penalty in subsection [2] 4 of this section, be required by the court to surrender
10 and deliver any license or permit issued by the department of conservation to hunt, fish, or trap.
11 The court shall notify the conservation commission of any conviction under this section and
12 request the commission take necessary action to revoke all privileges to hunt, fish, or trap for at
13 least one year from the date of conviction.

14 **3. It shall be an affirmative defense to prosecution for a violation of this section that**
15 **the premises were at the time open to members of the public and the person complied with**
16 **all lawful conditions imposed concerning access to or the privilege of remaining on the**
17 **premises.**

18 **4. The offense of unlawful fishing, hunting, or trapping on private land is a class**
19 **B misdemeanor.**

578.525. 1. [No person shall] **A person commits the offense of unlawful retrieval of**
2 **large or small game if he or she**, while engaged in the retrieval of wildlife from private land
3 that is not owned or in the possession of such person with permission of the landowner or lessee
4 of the land:

5 (1) Intentionally [drive or flush] **drives or flushes** any large or small game located on
6 the land toward other hunters of the retriever's same hunting group located on other parcels of
7 land or right-of-ways; or

8 (2) Intentionally [discharge] **discharges** a firearm at large or small game that originates
9 from the private land during retrieval.

10 2. [Unlawful retrieval of large or small game is a class B misdemeanor.] **It shall be an**
11 **affirmative defense to prosecution for a violation of this section that the premises were at**
12 **the time open to members of the public and the person complied with all lawful conditions**
13 **imposed concerning access to or the privilege of remaining on the premises.**

14 **3. The offense of unlawful retrieval of large or small game is a class B**
15 **misdemeanor.**

 578.614. 1. Subject to subsection 2 of this section, any person who violates sections
2 578.600 to 578.624 is guilty of a class A misdemeanor. Any person who fails to obtain a permit
3 as required by sections 578.600 to 578.624 is guilty of a class A misdemeanor. Any person who
4 intentionally releases a large carnivore except to the care, custody, and control of another person
5 is guilty of a class [D] E felony. In addition, a person who violates sections 578.600 to 578.624
6 may be punished by one or more of the following:

7 (1) Community service work for not more than five hundred hours;

8 (2) The loss of privileges to own or possess any animal.

9 2. Subsection 1 of this section does not apply to a law enforcement officer, animal
10 control officer, qualified veterinarian, or department of agriculture employee with respect to the
11 performance of the duties of a law enforcement officer, animal control officer, qualified
12 veterinarian, or department of agriculture employee under sections 578.600 to 578.624.

 [195.202.] **579.015.** 1. [Except as authorized by sections 195.005 to 195.425, it is
2 unlawful for any person to possess or have under his control a controlled substance] **A person**
3 **commits the offense of possession of a controlled substance if he or she knowingly possesses**
4 **a controlled substance, except as authorized by this chapter or chapter 195.**

5 2. [Any person who violates this section with respect to] **The offense of possession of**
6 any controlled substance except thirty-five grams or less of marijuana or any synthetic
7 cannabinoid is [guilty of a class C] **a class D felony.**

8 3. [Any person who violates this section with respect to] **The offense of possession of**
9 not more than thirty-five grams of marijuana or any synthetic cannabinoid is [guilty of] a class
10 A misdemeanor, **unless the defendant has previously been found guilty of any offense of the**
11 **laws related to controlled substances of this state, or of the United States, or any state,**
12 **territory, or district, in which case, it shall be a class A misdemeanor. Prior findings of**
13 **guilt shall be pleaded and proven in the same manner as required by section 558.021.**

14 **4. In any complaint, information, or indictment, and in any action or proceeding**
15 **brought for the enforcement of any provision of this chapter, it shall not be necessary to**
16 **include any exception, excuse, proviso, or exemption contained in this chapter, and the**
17 **burden of proof of any such exception, excuse, proviso or exemption shall be upon the**
18 **defendant.**

 [195.212.] **579.020.** 1. A person commits the offense of [unlawful distribution of a
2 controlled substance to a minor if he violates section 195.211 by distributing or delivering any
3 controlled substance to a person under seventeen years of age who is at least two years that
4 person's junior.

5 2. Unlawful distribution of a controlled substance to a minor is a class B felony.

6 3. It is not a defense to a violation of this section that the defendant did not know the age
7 of the person to whom he was distributing or delivering.] **delivery of a controlled substance**
8 **if, except as authorized in this chapter, he or she:**

9 (1) **Knowingly distributes or delivers a controlled substance; or**

10 (2) **Attempts to distribute or deliver a controlled substance; or**

11 (3) **Knowingly possesses a controlled substance with the intent to distribute or**
12 **deliver any amount of a controlled substance; or**

13 (4) **Knowingly permits a minor child to purchase or transport illegally obtained**
14 **controlled substances.**

15 2. **The offense of delivery of a controlled substance, except when the controlled**
16 **substance is thirty-five grams or less of marijuana or synthetic cannabinoid, is a class C**
17 **felony.**

18 3. **The offense of delivery of thirty-five grams or less of marijuana or synthetic**
19 **cannabinoid is a class E felony.**

20 4. **The offense of delivery of a controlled substance is a class B felony if:**

21 (1) **The delivery or distribution is any amount of a controlled substance except**
22 **thirty-five grams or less of marijuana or synthetic cannabinoid, to a person less than**
23 **seventeen years of age who is at least two years younger than the defendant; or**

24 (2) **The person knowingly permits a minor child to purchase or transport illegally**
25 **obtained controlled substances.**

26 5. **The offense of delivery of thirty-five grams or less of marijuana or thirty-five**
27 **grams or less of synthetic cannabinoid to a person less than seventeen years of age who is**
28 **at least two years younger than the defendant is a class C felony.**

[195.218.] **579.030.** 1. A person commits the offense of distribution of a controlled
2 substance [near public housing or other governmental assisted housing if he violates section
3 195.211 by unlawfully distributing or delivering any controlled substance to a person in or on,
4 or within one thousand feet of the real property comprising public housing or other governmental
5 assisted housing.

6 2. Distribution of a controlled substance near public housing or other governmental
7 assisted housing is a class A felony which term shall be served without probation or parole if the
8 court finds the defendant is a persistent drug offender] **in a restricted location if he or she**
9 **knowingly distributes, sells, or delivers any controlled substance, except thirty-five grams**
10 **or less of marijuana or synthetic cannabinoid, to a person with knowledge that that**
11 **distribution, delivery or sale is:**

12 (1) In, on, or within one thousand feet of, the real property comprising a public or
13 private elementary or secondary school, public vocational school, or on any school bus; or

14 (2) In or on, or within one thousand feet of, the real property comprising a public
15 park, state park, county park, municipal park, or private park designed for public
16 recreational purposes, as park is defined in section 253.010; or

17 (3) In or on the real property comprising public housing or other governmental
18 assisted housing.

19 2. The offense of unlawful distribution of a controlled substance in a restricted
20 location is a class A felony.

 579.040. 1. A person commits the offense of unlawful distribution, delivery, or sale
2 of drug paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses
3 with intent to distribute, deliver, or sell drug paraphernalia knowing, or under
4 circumstances in which one reasonably should know, that it will be used to plant,
5 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process,
6 prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or
7 otherwise introduce into the human body a controlled substance or an imitation controlled
8 substance in violation of this chapter.

9 2. The offense of unlawful delivery of drug paraphernalia is a class A misdemeanor,
10 unless done for commercial purposes in which case it is a class E felony.

 [195.204.] 579.045. 1. A person commits the offense of fraudulently attempting to
2 obtain a controlled substance if he or she knowingly obtains or attempts to obtain a controlled
3 substance, or knowingly procures or attempts to procure [the] an administration of the
4 controlled substance by fraud[, deceit, misrepresentation, or subterfuge; or by the forgery or
5 alteration of a prescription or of any written order; or by the concealment of a material fact; or
6 by the use of a false name or the giving of a false address]. The [crime] offense of fraudulently
7 attempting to obtain a controlled substance shall include, but shall not be limited to nor be
8 limited by, the following:

9 (1) Knowingly making a false statement in any prescription, order, report, or record,
10 required by [sections 195.005 to 195.425] this chapter;

11 (2) For the purpose of obtaining a controlled substance, falsely assuming the title of, or
12 representing oneself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, podiatrist,
13 veterinarian, nurse, or other authorized person;

14 (3) Making or uttering any false or forged prescription or false or forged written order;

15 (4) Affixing any false or forged label to a package or receptacle containing controlled
16 substances;

17 (5) Possess a false or forged prescription with intent to obtain a controlled substance.

18 2. **The offense of** fraudulently attempting to obtain a controlled substance is a class [D]
19 **E** felony.

20 3. Information communicated to a physician in an effort unlawfully to procure a
21 controlled substance or unlawfully to procure the administration of any such drug [shall not be]
22 **is not** deemed a privileged communication; provided, however, that no physician or surgeon
23 shall be competent to testify concerning any information which he **or she** may have acquired
24 from any patient while attending him **or her** in a professional character and which information
25 was necessary to enable him **or her** to prescribe for such patient as a physician, or to perform any
26 act for him **or her** as a surgeon.

27 [4. The provisions of this section shall apply to all transactions relating to narcotic drugs
28 under the provisions of section 195.080, in the same way as they apply to transactions under all
29 other sections.]

579.050. 1. A person commits the offense of manufacture of an imitation controlled
2 **substance if he or she knowingly manufactures with intent to deliver any imitation**
3 **controlled substances.**

4 **2. The offense of manufacture of an imitation controlled substance is a class E**
5 **felony.**

 [195.211.] **579.055. 1. [Except as authorized by sections 195.005 to 195.425 and except**
2 **as provided in section 195.222, it is unlawful for any person to distribute, deliver, manufacture,**
3 **produce or attempt to distribute, deliver, manufacture or produce a controlled substance or to**
4 **possess with intent to distribute, deliver, manufacture, or produce a controlled substance] A**
5 **person commits the offense of manufacture of a controlled substance if, except as**
6 **authorized in this chapter, he or she:**

7 **(1) Knowingly manufactures, produces, or grows a controlled substance; or**

8 **(2) Attempts to manufacture, produce, or grow a controlled substance; or**

9 **(3) Knowingly possesses a controlled substance with the intent to manufacture,**
10 **produce, or grow any amount of controlled substance.**

11 2. [Any person who violates or attempts to violate this section with respect to
12 manufacturing or production of a controlled substance of any amount except for five grams or
13 less of marijuana in a residence where a child resides or] **The offense of manufacturing or**
14 **attempting to manufacture any amount of controlled substance is a class B felony when**
15 **committed within [two] one thousand feet of the real property comprising a public or private**
16 **elementary or public or private elementary or secondary school, public vocational school or a**
17 **public or private community college, or a college or university[, or any school bus is guilty of].**
18 **It is a class A felony if a person has suffered serious physical injury or has died as a result**
19 **of a fire or explosion started in an attempt by the defendant to produce methamphetamine.**

20 3. [Any person who violates or attempts to violate this section with respect to any] **The**
21 **offense of manufacturing or attempting to manufacture any amount of a controlled**
22 **substance, except [five] thirty-five grams or less of marijuana or synthetic cannabinoid is**
23 **[guilty of] a class [B] C felony.**

24 4. [Any person who violates this section with respect to distributing or delivering not
25 more than five grams of marijuana is guilty of a class C felony] **The offense of manufacturing**
26 **thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony.**

579.060. 1. A person commits the offense of unlawful sale or distribution of over-
2 **the-counter methamphetamine precursor drugs if he or she:**

3 (1) **Recklessly sells, distributes, dispenses, or otherwise provides any number of**
4 **packages of any drug product containing detectable amounts of ephedrine,**
5 **phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts**
6 **of optical isomers, in a total amount greater than nine grams to the same individual within**
7 **a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid**
8 **prescription; or**

9 (2) **Recklessly dispenses or offers drug products that are not excluded from**
10 **Schedule V in subsection 17 or 18 of section 195.017 and that contain detectable amounts**
11 **of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical**
12 **isomers, or salts of optical isomers, without ensuring that such products are located behind**
13 **a pharmacy counter where the public is not permitted and that such products are**
14 **dispensed by a registered pharmacist or pharmacy technician under subsection 11 of**
15 **section 195.017; or**

16 (3) **Holds a retail sales license issued under chapter 144 and knowingly sells or**
17 **dispenses packages that do not conform to the packaging requirements of section 195.418.**

18 2. **A pharmacist, intern pharmacist, or registered pharmacy technician commits the**
19 **offense of unlawful sale or distribution of over-the-counter methamphetamine precursor**
20 **drugs if he or she:**

21 (1) **Recklessly sells, distributes, dispenses, or otherwise provides any number of**
22 **packages of any drug product containing detectable amounts of ephedrine,**
23 **phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts**
24 **of optical isomers, in a total amount greater than three and six-tenth grams to the same**
25 **individual within a twenty-four hour period, unless the amount is dispensed, sold, or**
26 **distributed pursuant to a valid prescription; or**

27 (2) **Recklessly fails to submit information under subsection 13 of section 195.017**
28 **and subsection 5 of section 195.417 about the sales of any compound, mixture, or**
29 **preparation of products containing detectable amounts of ephedrine,**

30 **phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts**
31 **of optical isomers, in accordance with transmission methods and frequency established by**
32 **the department of health and senior services; or**

33 **(3) Recklessly fails to implement and maintain an electronic log, as required by**
34 **subsection 12 of section 195.017, of each transaction involving any detectable quantity of**
35 **pseudoephedrine, its salts, isomers, or salts of optical isomers or ephedrine, its salts, optical**
36 **isomers, or salts of optical isomers; or**

37 **(4) Knowingly sells, distributes, dispenses or otherwise provides to an individual**
38 **under eighteen years of age without a valid prescription any number of packages of any**
39 **drug product containing any detectable quantity of pseudoephedrine, its salts, isomers, or**
40 **salts of optical isomers, or ephedrine, its salts or optical isomers, or salts of optical isomers.**

41 **3. Any person who violates the packaging requirements of section 195.418 and is**
42 **considered the general owner or operator of the outlet where ephedrine, pseudoephedrine,**
43 **or phenylpropanolamine products are available for sale shall not be penalized if he or she**
44 **documents that an employee training program was in place to provide the employee who**
45 **made the unlawful retail sale with information on the state and federal regulations**
46 **regarding ephedrine, pseudoephedrine, or phenylpropanolamine.**

47 **4. The offense of unlawful sale or distribution of over-the-counter**
48 **methamphetamine precursor drugs is a class A misdemeanor.**

[195.222.] **579.065.** 1. A person commits the [crime] **offense** of trafficking drugs in the
2 first degree if, except as authorized by [sections 195.005 to 195.425, he] **this chapter, such**
3 **person knowingly** distributes, delivers, manufactures, produces or attempts to distribute, deliver,
4 manufacture or produce [more than thirty grams of a mixture or substance containing a
5 detectable amount of heroin. Violations of this subsection shall be punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety grams the
7 person shall be sentenced to the authorized term of imprisonment for a class A felony;

8 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the
9 authorized term of imprisonment for a class A felony which term shall be served without
10 probation or parole.

11 2. A person commits the crime of trafficking drugs in the first degree if, except as
12 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
13 attempts to distribute, deliver, manufacture or produce more than one hundred fifty grams of a
14 mixture or substance containing a detectable amount of coca leaves, except coca leaves and
15 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts
16 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;
17 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,

18 or preparation which contains any quantity of any of the foregoing substances. Violations of this
19 subsection shall be punished as follows:

20 (1) If the quantity involved is more than one hundred fifty grams but less than four
21 hundred fifty grams the person shall be sentenced to the authorized term of imprisonment for a
22 class A felony;

23 (2) If the quantity involved is four hundred fifty grams or more the person shall be
24 sentenced to the authorized term of imprisonment for a class A felony which term shall be served
25 without probation or parole.

26 3. A person commits the crime of trafficking drugs in the first degree if, except as
27 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
28 attempts to distribute, deliver, manufacture or produce more than eight grams of a mixture or
29 substance described in subsection 2 of this section which contains cocaine base. Violations of
30 this subsection shall be punished as follows:

31 (1) If the quantity involved is more than eight grams but less than twenty-four grams the
32 person shall be sentenced to the authorized term of imprisonment for a class A felony;

33 (2) If the quantity involved is twenty-four grams or more the person shall be sentenced
34 to the authorized term of imprisonment for a class A felony which term shall be served without
35 probation or parole.

36 4. A person commits the crime of trafficking drugs in the first degree if, except as
37 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
38 attempts to distribute, deliver, manufacture or produce more than five hundred milligrams of a
39 mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD).
40 Violations of this subsection shall be punished as follows:

41 (1) If the quantity involved is more than five hundred milligrams but less than one gram
42 the person shall be sentenced to the authorized term of imprisonment for a class A felony;

43 (2) If the quantity involved is one gram or more the person shall be sentenced to the
44 authorized term of imprisonment for a class A felony which term shall be served without
45 probation or parole.

46 5. A person commits the crime of trafficking drugs in the first degree if, except as
47 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
48 attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or
49 substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection
50 shall be punished as follows:

51 (1) If the quantity involved is more than thirty grams but less than ninety grams the
52 person shall be sentenced to the authorized term of imprisonment for a class A felony;

53 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the
54 authorized term of imprisonment for a class A felony which term shall be served without
55 probation or parole.

56 6. A person commits the crime of trafficking drugs in the first degree if, except as
57 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
58 attempts to distribute, deliver, manufacture or produce more than four grams of phencyclidine.
59 Violations of this subsection shall be punished as follows:

60 (1) If the quantity involved is more than four grams but less than twelve grams the
61 person shall be sentenced to the authorized term of imprisonment for a class A felony;

62 (2) If the quantity involved is twelve grams or more the person shall be sentenced to the
63 authorized term of imprisonment for a class A felony which term shall be served without
64 probation or parole.

65 7. A person commits the crime of trafficking drugs in the first degree if, except as
66 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
67 attempts to distribute, deliver, manufacture or produce more than thirty kilograms of a mixture
68 or substance containing marijuana. Violations of this subsection shall be punished as follows:

69 (1) If the quantity involved is more than thirty kilograms but less than one hundred
70 kilograms the person shall be sentenced to the authorized term of imprisonment for a class A
71 felony;

72 (2) If the quantity involved is one hundred kilograms or more the person shall be
73 sentenced to the authorized term of imprisonment for a class A felony which term shall be served
74 without probation or parole.

75 8. A person commits the crime of trafficking drugs in the first degree if, except as
76 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
77 attempts to distribute, deliver, manufacture or produce more than thirty grams of any material,
78 compound, mixture or preparation which contains any quantity of the following substances
79 having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers
80 and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its
81 optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection
82 or attempts to violate this subsection shall be punished as follows:

83 (1) If the quantity involved is more than thirty grams but less than ninety grams the
84 person shall be sentenced to the authorized term of imprisonment for a class A felony;

85 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty
86 grams or more and the location of the offense was within two thousand feet of a school or public
87 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any
88 structure or building which contains rooms furnished for the accommodation or lodging of

89 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping
90 accommodations are sought for pay or compensation to transient guests or permanent guests, the
91 person shall be sentenced to the authorized term of imprisonment for a class A felony which term
92 shall be served without probation or parole.

93 9. A person commits the crime of trafficking drugs in the first degree if, except as
94 authorized by sections 195.005 to 195.425, he or she distributes, delivers, manufactures,
95 produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any
96 material, compound, mixture or preparation which contains any quantity of
97 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this
98 subsection shall be punished as follows:

99 (1) If the quantity involved is more than thirty grams but less than ninety grams the
100 person shall be sentenced to the authorized term of imprisonment for a class A felony;

101 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty
102 grams or more and the location of the offense was within two thousand feet of a school or public
103 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any
104 structure or building which contains rooms furnished for the accommodation or lodging of
105 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping
106 accommodations are sought for pay or compensation to transient guests or permanent guests, the
107 person shall be sentenced to the authorized term of imprisonment for a class A felony which term
108 shall be served without probation or parole.] :

109 (1) **More than thirty grams but less than ninety grams of a mixture or substance**
110 **containing a detectable amount of heroin;**

111 (2) **More than one hundred fifty grams but less than four hundred fifty grams of**
112 **a mixture or substance containing a detectable amount of coca leaves, except coca leaves**
113 **and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or**
114 **their salts have been removed; cocaine salts and their optical and geometric isomers, and**
115 **salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any**
116 **compound, mixture, or preparation which contains any quantity of any of the foregoing**
117 **substances;**

118 (3) **More than eight grams but less than twenty-four grams of a mixture or**
119 **substance described in subdivision (2) of this subsection which contains cocaine base;**

120 (4) **More than five hundred milligrams but less than one gram of a mixture or**
121 **substance containing a detectable amount of lysergic acid diethylamide (LSD);**

122 (5) **More than thirty grams but less than ninety grams of a mixture or substance**
123 **containing a detectable amount of phencyclidine (PCP);**

124 (6) **More than four grams but less than twelve grams of phencyclidine;**

(7) More than thirty kilograms but less than one hundred kilograms of a mixture or substance containing marijuana;

(8) More than thirty grams but less than ninety grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

(9) More than thirty grams but less than ninety grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.

2. The offense of trafficking drugs in the first degree is a class B felony.

3. The offense of trafficking drugs in the first degree is a class A felony if the quantity involved is:

(1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or

(2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or

(3) More than twenty-four grams of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or

(4) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

(5) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or

(6) Twelve grams or more of phencyclidine; or

(7) One hundred kilograms or more of a mixture or substance containing marijuana; or

(8) Ninety grams or more of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

(9) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers; methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate, and the location of the offense was within one thousand feet of a school, in or on the real property comprising public housing or any other governmental assisted housing, or within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; or

(10) Ninety grams or more of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or

(11) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine and the location of the offense was within one thousand feet of a school, in or on the real property comprising public housing or any other governmental assisted housing, within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests.

[195.223.] **579.068.** 1. A person commits the [crime] offense of trafficking drugs in the second degree if, except as authorized by [sections 195.005 to 195.425, he] **this chapter, such person knowingly** possesses or has under his **or her** control, purchases or attempts to purchase, or brings into this state [more than thirty grams of a mixture or substance containing a detectable amount of heroin. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more the person shall be guilty of a class A felony.

2. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine,

16 its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or
17 preparation which contains any quantity of any of the foregoing substances. Violations of this
18 subsection shall be punished as follows:

19 (1) If the quantity involved is more than one hundred fifty grams but less than four
20 hundred fifty grams the person shall be guilty of a class B felony;

21 (2) If the quantity involved is four hundred fifty grams or more the person shall be guilty
22 of a class A felony.

23 3. A person commits the crime of trafficking drugs in the second degree if, except as
24 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
25 attempts to purchase, or brings into this state more than eight grams of a mixture or substance
26 described in subsection 2 of this section which contains cocaine base. Violations of this
27 subsection shall be punished as follows:

28 (1) If the quantity involved is more than eight grams but less than twenty-four grams the
29 person shall be guilty of a class B felony;

30 (2) If the quantity involved is twenty-four grams or more the person shall be guilty of
31 a class A felony.

32 4. A person commits the crime of trafficking drugs in the second degree if, except as
33 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
34 attempts to purchase, or brings into this state more than five hundred milligrams of a mixture or
35 substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this
36 subsection shall be punished as follows:

37 (1) If the quantity involved is more than five hundred milligrams but less than one gram
38 the person shall be guilty of a class B felony;

39 (2) If the quantity involved is one gram or more the person shall be guilty of a class A
40 felony.

41 5. A person commits the crime of trafficking drugs in the second degree if, except as
42 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
43 attempts to purchase, or brings into this state more than thirty grams of a mixture or substance
44 containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be
45 punished as follows:

46 (1) If the quantity involved is more than thirty grams but less than ninety grams the
47 person shall be guilty of a class B felony;

48 (2) If the quantity involved is ninety grams or more the person shall be guilty of a class
49 A felony.

50 6. A person commits the crime of trafficking drugs in the second degree if, except as
51 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or

52 attempts to purchase, or brings into this state more than four grams of phencyclidine. Violations
53 of this subsection shall be punished as follows:

54 (1) If the quantity involved is more than four grams but less than twelve grams the
55 person shall be guilty of a class B felony;

56 (2) If the quantity involved is twelve grams or more the person shall be guilty of a class
57 A felony.

58 7. A person commits the crime of trafficking drugs in the second degree if, except as
59 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
60 attempts to purchase, or brings into this state more than thirty kilograms or more of a mixture
61 or substance containing marijuana. Violations of this subsection shall be punished as follows:

62 (1) If the quantity involved is more than thirty kilograms but less than one hundred
63 kilograms the person shall be guilty of a class B felony;

64 (2) If the quantity involved is one hundred kilograms or more the person shall be guilty
65 of a class A felony.

66 8. A person commits the class A felony of trafficking drugs in the second degree if,
67 except as authorized by sections 195.005 to 195.425, he possesses or has under his control,
68 purchases or attempts to purchase, or brings into this state more than five hundred marijuana
69 plants.

70 9. A person commits the crime of trafficking drugs in the second degree if, except as
71 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
72 attempts to purchase, or brings into this state more than thirty grams of any material, compound,
73 mixture or preparation which contains any quantity of the following substances having a
74 stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts
75 of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers;
76 phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to
77 violate this subsection shall be punished as follows:

78 (1) If the quantity involved is more than thirty grams but less than ninety grams the
79 person shall be guilty of a class B felony;

80 (2) If the quantity involved is ninety grams or more but less than four hundred fifty
81 grams, the person shall be guilty of a class A felony;

82 (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty
83 of a class A felony and the term of imprisonment shall be served without probation or parole.

84 10. A person commits the crime of trafficking drugs in the second degree if, except as
85 authorized by sections 195.005 to 195.425, he or she possesses or has under his or her control,
86 purchases or attempts to purchase, or brings into this state more than thirty grams of any
87 material, compound, mixture or preparation which contains any quantity of

88 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this
89 subsection shall be punished as follows:

90 (1) If the quantity involved is more than thirty grams but less than ninety grams the
91 person shall be guilty of a class B felony;

92 (2) If the quantity involved is ninety grams or more but less than four hundred fifty
93 grams, the person shall be guilty of a class A felony;

94 (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty
95 of a class A felony and the term of imprisonment shall be served without probation or parole.]

96 :

97 (1) **More than thirty grams but less than ninety grams of a mixture or substance**
98 **containing a detectable amount of heroin;**

99 (2) **More than one hundred fifty grams but less than four hundred fifty grams of**
100 **a mixture or substance containing a detectable amount of coca leaves, except coca leaves**
101 **and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or**
102 **their salts have been removed; cocaine salts and their optical and geometric isomers, and**
103 **salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any**
104 **compound, mixture, or preparation which contains any quantity of any of the foregoing**
105 **substances;**

106 (3) **More than eight grams but less than twenty-four grams of a mixture or**
107 **substance described in subdivision (2) of this subsection which contains cocaine base;**

108 (4) **More than five hundred milligrams but less than one gram of a mixture or**
109 **substance containing a detectable amount of lysergic acid diethylamide (LSD);**

110 (5) **More than thirty grams but less than ninety grams of a mixture or substance**
111 **containing a detectable amount of phencyclidine (PCP);**

112 (6) **More than four grams but less than twelve grams of phencyclidine;**

113 (7) **More than thirty kilograms but less than one hundred kilograms of a mixture**
114 **or substance containing marijuana;**

115 (8) **More than thirty grams but less than ninety grams of any material, compound,**
116 **mixture, or preparation containing any quantity of the following substances having a**
117 **stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and**
118 **salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its**
119 **optical isomers; phenmetrazine and its salts; or methylphenidate; or**

120 (9) **More than thirty grams but less than ninety grams of any material, compound,**
121 **mixture, or preparation which contains any quantity of 3,4-**
122 **methylenedioxymethamphetamine.**

123 2. The offense of trafficking drugs in the second degree is a class C felony.

124 **3. The offense of trafficking drugs in the second degree is a class B felony if the**
125 **quantity involved is:**

126 **(1) Ninety grams or more of a mixture or substance containing a detectable amount**
127 **of heroin; or**

128 **(2) Four hundred fifty grams or more of a mixture or substance containing a**
129 **detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which**
130 **cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine**
131 **salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives,**
132 **their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which**
133 **contains any quantity of any of the foregoing substances; or**

134 **(3) More than twenty-four grams of a mixture or substance described in**
135 **subdivision (2) of this subsection which contains cocaine base; or**

136 **(4) One gram or more of a mixture or substance containing a detectable amount**
137 **of lysergic acid diethylamide (LSD); or**

138 **(5) Ninety grams or more of a mixture or substance containing a detectable amount**
139 **of phencyclidine (PCP); or**

140 **(6) Twelve grams or more of phencyclidine; or**

141 **(7) One hundred kilograms or more of a mixture or substance containing**
142 **marijuana; or**

143 **(8) More than five hundred marijuana plants; or**

144 **(9) Ninety grams or more but less than four hundred fifty grams of any material,**
145 **compound, mixture, or preparation containing any quantity of the following substances**
146 **having a stimulant effect on the central nervous system: amphetamine, its salts, optical**
147 **isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and**
148 **salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or**

149 **(10) Ninety grams or more but less than four hundred fifty grams of any material,**
150 **compound, mixture, or preparation which contains any quantity of 3,4-**
151 **methylenedioxymethamphetamine.**

152 **4. The offense of trafficking drugs in the second degree is a class A felony if the**
153 **quantity involved is four hundred fifty grams or more of any material, compound, mixture**
154 **or preparation which contains:**

155 **(1) Any quantity of the following substances having a stimulant effect on the central**
156 **nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;**
157 **methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts;**
158 **or methylphenidate; or**

159 **(2) Any quantity of 3,4-methylenedioxymethamphetamine.**

[565.065.] **579.070.** 1. A person commits the [crime] **offense** of [unlawful
2 endangerment of another] **creating a danger** if, while [engaged in or as a part of the enterprise
3 for the production of] **producing, or attempting to produce**, a controlled substance, he **or she**
4 **purposely** protects or attempts to protect the production of the controlled substance by creating,
5 setting up, building, erecting, or using any device or weapon which causes or is intended to cause
6 physical injury to another person.

7 2. [Unlawful endangerment of another] **The offense of creating a danger** is a class C
8 felony.

[195.226.] **579.072.** 1. [No] A person [shall provide] **commits the offense of**
2 **furnishing materials for the production of a controlled substance if he or she provides** any
3 reagents, solvents or precursor materials used in the production of a controlled substance as
4 defined in section 195.010 to any other person knowing that the person to whom such materials
5 are provided intends to use such materials for the illegal production of a controlled substance.

6 2. [Any person who violates the provisions of subsection 1 of this section is guilty of a
7 class D felony] **The offense of furnishing materials for the production of a controlled**
8 **substance is a class E felony.**

[195.233.] **579.074.** 1. [It is unlawful for any person to use, or to possess] **A person**
2 **commits the offense of unlawful possession of drug paraphernalia if he or she knowingly**
3 **uses, or possesses** with intent to use, drug paraphernalia to plant, propagate, cultivate, grow,
4 harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack,
5 store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a
6 controlled substance or an imitation controlled substance in violation of [sections 195.005 to
7 195.425] **this chapter.**

8 2. [A person who violates this section is guilty of a class A misdemeanor, unless the
9 person uses, or possesses with intent to use, the paraphernalia in combination with each other
10 to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine
11 or any of their analogues] **The offense of unlawful possession of drug paraphernalia is a class**
12 **D misdemeanor, unless the person has previously been found guilty of any offense of the**
13 **laws of this state related to controlled substances or of the laws of another jurisdiction**
14 **related to controlled substances**, in which case the violation of this section is a class [D
15 felony.] **A misdemeanor. Prior findings of guilt shall be pleaded and proven in the same**
16 **manner as required by section 558.021.**

17 3. **The offense of unlawful possession of drug paraphernalia is a class E felony if**
18 **the person uses, or possesses with intent to use, the paraphernalia in combination with each**
19 **other to manufacture, compound, produce, prepare, test, or analyze amphetamine or**
20 **methamphetamine or any of their analogues.**

[195.235.] **579.076.** 1. [It is unlawful for any person to deliver, possess with intent to deliver, or manufacture, with intent to deliver,] **A person commits the offense of unlawful manufacture of drug paraphernalia if he or she unlawfully manufactures with intent to deliver** drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of [sections 195.005 to 195.425] **this chapter.**

2. [Possession of more than twenty-four grams of any methamphetamine precursor drug or combination of methamphetamine precursor drugs shall be prima facie evidence of intent to violate this section. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business.

3. A person who violates this section is guilty of a class D felony.] **The offense of unlawful manufacture of drug paraphernalia is a class A misdemeanor, unless done for commercial purposes, in which case it is a class E felony.**

[195.241.] **579.078.** 1. [It is unlawful for any person to possess an imitation controlled substance in violation of this chapter.] **A person commits the offense of possession of an imitation controlled substance if he or she knowingly possesses an imitation controlled substance.**

2. [A person who violates this section is guilty of] **The offense of possession of an imitation controlled substance is a class A misdemeanor.**

[195.242.] **579.080.** 1. [It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or cause] **A person commits the offense of delivery of an imitation controlled substance if he or she knowingly delivers, possesses with intent to deliver, or causes** to be delivered any imitation controlled substance.

2. [A person who violates this section is guilty of a class D felony.] **The offense of delivery of an imitation controlled substance is a class E felony.**

[195.248.] **579.082.** 1. [It is unlawful for any person to market, sell, distribute, advertise or label] **A person commits the offense of unlawful marketing of ephedrine or pseudoephedrine if he or she knowingly markets, sells, distributes, advertises, or labels** any drug product containing ephedrine, its salts, optical isomers and salts of optical isomers, or pseudoephedrine, its salts, optical isomers and salts of optical isomers, for indication of stimulation, mental alertness, weight loss, appetite control, energy or other indications not approved [pursuant to] **under** the pertinent federal over-the-counter drug Final Monograph or Tentative Final Monograph or approved new drug application.

9 2. [A person who violates this section is guilty of a class D] **The offense of unlawful**
10 **marketing of ephedrine or pseudoephedrine is a class E felony.**

 [195.252.] **579.084.** 1. [It is unlawful for any] A person **commits the offense of**
2 **distribution of a controlled substance in violation of registration requirements if he or she:**

3 (1) [Who] Is subject to the provisions of sections 195.005 to 195.198 [to distribute or
4 dispense] , **and knowingly distributes or dispenses** a controlled substance in violation of
5 section 195.030;

6 (2) [Who] Is a registrant, [to manufacture a controlled substance not authorized by that
7 person's registration, or to distribute or dispense] **and knowingly distributes or dispenses** a
8 controlled substance not authorized by that person's registration to another registrant or other
9 authorized person;

10 (3) [To refuse or fail] **Knowingly refuses or fails** to make, keep or furnish any record,
11 notification, order form, statement, invoice or information required under section 195.050.

12 2. [Any person who violates subdivision (1) of subsection 1 of this section or subdivision
13 (2) of subsection 1 of this section is guilty of a class D felony.] **The offense of distribution of**
14 **a controlled substance in violation of registration requirements is a class E felony when the**
15 **offense is a violation of subdivision (1) or (2) of subsection 1 of this section.**

16 3. [Any person who violates subdivision (3) of subsection 1 of this section is guilty of
17 a class A misdemeanor.] **The offense of distribution of a controlled substance in violation**
18 **of registration requirements is a class A misdemeanor when the offense is a violation of**
19 **subdivision (3) of subsection 1 of this section.**

 [195.254.] **579.086.** 1. [It is unlawful for any] A manufacturer or distributor [or agent]
2 , or **an** employee of a manufacturer or distributor, [having reasonable cause to believe that]
3 **commits the offense of unlawful delivery of** a controlled substance **when he or she knowingly**
4 **delivers a controlled substance while acting recklessly as to whether the controlled**
5 **substance** will be used in violation of [sections 195.005 to 195.425 to deliver the controlled
6 substance] **this chapter.**

7 2. [Any person who violates this section is guilty of a class D] **The offense of unlawful**
8 **delivery of a controlled substance by a manufacturer or distributor is a class E felony.**

 [565.350.] **579.090.** 1. Any pharmacist licensed [pursuant to] **under** chapter 338
2 commits the [crime] **offense** of tampering with a prescription or a prescription drug order as
3 defined in section 338.095 if such person knowingly:

4 (1) Causes the intentional adulteration of the concentration or chemical structure of a
5 prescribed drug or drug therapy without the knowledge and consent of the prescribing
6 practitioner; **or**

7 (2) Misrepresents a misbranded, altered, or diluted prescription drug or drug therapy with
8 the purpose of misleading the recipient or the administering person of the prescription drug or
9 drug therapy; or

10 (3) Sells a misbranded, altered, or diluted prescription drug therapy with the intention
11 of misleading the purchaser.

12 2. **The offense of tampering with a prescription drug order is a class A felony.**

[578.154.] **579.095.** 1. A person commits the [crime] **offense** of possession of
2 anhydrous ammonia in a nonapproved container if he or she possesses any quantity of anhydrous
3 ammonia in a cylinder or other portable container that was not designed, fabricated, tested,
4 constructed, marked and placarded in accordance with the United States Department of
5 Transportation Hazardous Materials regulations contained in CFR 49 Parts 100 to 185, revised
6 as of October 1, 2002, [which are herein incorporated by reference,] and approved for the storage
7 and transportation of anhydrous ammonia, or any container that is not a tank truck, tank trailer,
8 rail tank car, bulk storage tank, field (nurse) tank or field applicator.

9 2. Cylinder and other portable container valves and other fittings, or hoses attached
10 thereto, used in anhydrous ammonia service shall be constructed of material resistant to
11 anhydrous ammonia and shall not be constructed of brass, copper, silver, zinc, or other material
12 subject to attack by ammonia. Each cylinder utilized for the storage and transportation of
13 anhydrous ammonia shall be labeled, in a conspicuous location, with the words "ANHYDROUS
14 AMMONIA" or "CAUTION: ANHYDROUS AMMONIA" and the UN number 1005 (UN
15 1005).

16 3. [A violation of this section is a class D] **The offense of possession of anhydrous**
17 **ammonia in a nonapproved container is a class E felony.**

[578.250.] **579.097.** No person shall intentionally smell or inhale the fumes of any
2 solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl
3 nitrite, and propyl nitrite and their iso-analogues or induce any other person to do so, for the
4 purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria,
5 dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of
6 senses or nervous system, or for the purpose of, in any manner, changing, distorting, or
7 disturbing the audio, visual, or mental processes; except that this section shall not apply to the
8 inhalation of any anesthesia for medical or dental purposes.

[578.255.] **579.099.** 1. As used in this section, "alcohol beverage vaporizer" means any
2 device which, by means of heat, a vibrating element, or any other method, is capable of
3 producing a breathable mixture containing one or more alcoholic beverages to be dispensed for
4 inhalation into the lungs via the nose or mouth or both.

5 2. No person shall intentionally or willfully induce the symptoms of intoxication, elation,
6 euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or
7 dulling of the senses or nervous system, distortion of audio, visual or mental processes by the
8 use or abuse of any of the following substances:

- 9 (1) Solvents, particularly toluol;
10 (2) Ethyl alcohol;
11 (3) Amyl nitrite and its iso-analogues;
12 (4) Butyl nitrite and its iso-analogues;
13 (5) Cyclohexyl nitrite and its iso-analogues;
14 (6) Ethyl nitrite and its iso-analogues;
15 (7) Pentyl nitrite and its iso-analogues; and
16 (8) Propyl nitrite and its iso-analogues.

17 3. This section shall not apply to substances that have been approved by the United
18 States Food and Drug Administration as therapeutic drug products or are contained in approved
19 over-the-counter drug products or administered lawfully pursuant to the order of an authorized
20 medical practitioner.

21 4. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite,
22 butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their
23 iso-analogues for the purpose of using it in the manner prohibited by section [578.250] **579.097**
24 and this section.

25 5. No person shall possess or use an alcoholic beverage vaporizer.

26 6. Nothing in this section shall be construed to prohibit the legal consumption of
27 intoxicating liquor, as defined by section 311.020, or nonintoxicating beer[, as defined by section
28 312.010].

[578.260.] **579.101.** 1. No person shall intentionally possess or buy any solvent,
2 particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and
3 propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to
4 violate the provisions of sections [578.250 and 578.255] **579.097 and 579.099.**

5 2. Any person who violates any provision of sections [578.250 to 578.260] **579.097 to**
6 **579.101** is guilty of a class B misdemeanor for the first violation and a class [D] E felony for any
7 subsequent violations.

[578.265.] **579.103.** 1. [No person shall] **A person commits the offense of selling or**
2 **transferring solvents to cause certain symptoms if he or she** knowingly and intentionally
3 **[sell] sells** or otherwise **[transfer] transfers** possession of any solvent, particularly toluol, amyl
4 nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their
5 iso-analogues to any person for the purpose of causing a condition of, or inducing symptoms of,

6 intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis,
7 stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner,
8 changing, distorting, or disturbing the audio, visual, or mental processes.

9 2. No person who owns or operates any business which receives over fifty percent of its
10 gross annual income from the sale of alcoholic beverages or beer, **or which operates as a venue**
11 **for live entertainment performance or receives fifty percent of its gross annual income**
12 **from the sale of recorded video equipment**, shall sell or offer for sale toluol, amyl nitrite, butyl
13 nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues,
14 or any toxic glue.

15 3. [No person who owns or operates any business which operates as a venue for live
16 entertainment performance or receives over fifty percent of its gross annual income from the sale
17 of recorded video entertainment shall sell or offer for sale toluol, amyl nitrite, butyl nitrite,
18 cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, propyl nitrite or their iso-analogues.

19 4. Any person who violates the provisions] **Violation** of [subsection 1 or 2 of] this
20 section is [guilty of] a class [C] **D** felony.

 [195.130.] **579.105.** 1. [Any room, building, structure or inhabitable structure as defined
2 in section 569.010 which is used for the illegal use, keeping or selling of controlled substances
3 is a "public nuisance". No person shall keep or maintain such a public nuisance.

4 2. The attorney general, circuit attorney or prosecuting attorney may, in addition to any
5 criminal prosecutions, prosecute a suit in equity to enjoin the public nuisance. If the court finds
6 that the owner of the room, building, structure or inhabitable structure knew that the premises
7 were being used for the illegal use, keeping or selling of controlled substances, the court may
8 order that the premises shall not be occupied or used for such period as the court may determine,
9 not to exceed one year.

10 3. All persons, including owners, lessees, officers, agents, inmates or employees, aiding
11 or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance.

12 4. It is unlawful for a person to keep or maintain such a public nuisance.] **A person**
13 **commits the offense of keeping or maintaining a public nuisance if he or she knowingly**
14 **keeps or maintains:**

15 (1) **Any room, building, structure or inhabitable structure, as defined in section**
16 **569.010, which is used for the illegal manufacture, distribution, storage, or sale of any**
17 **amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-**
18 **five grams or less of any synthetic cannabinoid; or**

19 (2) **Any room, building, structure or inhabitable structure, as defined in section**
20 **569.010, where on three or more separate occasions within the period of a year, two or**
21 **more persons, who were not residents of the room, building, structure, or inhabitable**

22 **structure, gathered for the principal of unlawfully ingesting, injecting, inhaling or using**
23 **any amount of a controlled substance, except thirty-five grams or less of marijuana or**
24 **thirty-five grams or less of any synthetic cannabinoid.**

25 **2.** In addition to any other criminal prosecutions, the prosecuting attorney or circuit
26 attorney may by information or indictment charge the owner or the occupant, or both the owner
27 and the occupant of the room, building, structure, or inhabitable structure with the [crime]
28 **offense** of keeping or maintaining a public nuisance. [Keeping or maintaining a public nuisance
29 is a class C felony.]

30 **3. The offense of keeping or maintaining a public nuisance is a class E felony.**

31 [5.] **4.** Upon the conviction of the owner pursuant to subsection [4] **2** of this section, the
32 room, building, structure, or inhabitable structure is subject to the provisions of sections 513.600
33 to 513.645.

 [195.180.] **579.107.** 1. A person may lawfully possess or have under his **or her** control
2 a controlled substance if [such person] **he or she** obtained the controlled substance directly from,
3 or pursuant to, a valid prescription or [order of a practitioner while acting] **practitioner's order**
4 **issued** in the course of a practitioner's professional practice or except as otherwise authorized
5 by [sections 195.005 to 195.425] **this chapter.**

6 **2.** In any complaint, information, or indictment, and in any action or proceeding brought
7 for the enforcement of any provision of [sections 195.005 to 195.425] **this chapter**, it shall not
8 be necessary to negative any exception, excuse, proviso, or exemption, contained in [sections
9 195.005 to 195.425] **this chapter**, and the burden of proof of any such exception, excuse,
10 proviso or exemption, shall be upon the defendant.

 [195.420.] **579.110.** 1. [It is unlawful for any person to possess] **A person commits the**
2 **offense of possession of methamphetamine precursors if he or she knowingly possesses one**
3 **or more** chemicals listed in subsection 2 of section 195.400, [or] reagents, [or] solvents, or any
4 other chemicals proven to be precursor ingredients of methamphetamine or amphetamine, as
5 established by expert testimony [pursuant to subsection 3 of this section], with the intent to
6 manufacture, compound, convert, produce, process, prepare, test, or otherwise alter that chemical
7 to create a controlled substance or a controlled substance analogue in violation of [sections
8 195.005 to 195.425] **this chapter.**

9 **2.** [A person who violates this section is guilty of a class C felony.] **Possession of more**
10 **than twenty-four grams of ephedrine or pseudoephedrine shall be prima facie evidence of**
11 **intent to violate this section. This subsection shall not apply to any practitioner or to any**
12 **product possessed in the course of a legitimate business.**

13 **3.** [The state may present expert testimony to provide a prima facie case that any
14 chemical, whether or not listed in subsection 2 of section 195.400, is an immediate precursor

15 ingredient for producing methamphetamine or amphetamine.] **The offense of possession of**
16 **methamphetamine precursors is a class E felony.**

[195.515.] **579.115.** 1. Any manufacturer or wholesaler who sells, transfers, or otherwise
2 furnishes ephedrine, pseudoephedrine or phenylpropanolamine, or any of their salts, optical
3 isomers and salts of optical isomers, alone or in a mixture, and is required by federal law to
4 report any suspicious transaction to the United States attorney general, shall submit a copy of the
5 report to the chief law enforcement official with jurisdiction before completion of the sale or as
6 soon as practicable thereafter.

7 2. As used in this section, "suspicious transaction" means any sale or transfer required
8 to be reported pursuant to 21 U.S.C. 830(b)(1).

9 3. [Any violation of this section shall be a class D felony.] **The offense of failure to**
10 **report suspicious transactions is a class E felony.**

[577.625.] **579.150.** 1. [No person less than twenty-one years of age shall distribute] **A**
2 **person commits the offense of distribution of prescription medication on school property**
3 **if he or she is less than twenty-one years of age and knowingly distributes** upon the real
4 property comprising a public or private elementary or secondary school or school bus a
5 prescription medication to any individual who does not have a valid prescription for such
6 medication. For purposes of this section, prescription medication shall not include medication
7 containing a controlled substance, as defined in section 195.010.

8 2. The provisions of this section shall not apply to any person authorized to distribute
9 a prescription medication by any school personnel who are responsible for storing, maintaining,
10 or dispensing any prescription medication under chapter 338. This section shall not limit the use
11 of any prescription medication by emergency personnel[, as defined in section 565.081,] during
12 an emergency situation.

13 3. [Any person less than twenty-one years of age who violates this section is guilty of]
14 **The offense of distribution of prescription medication on school property is a class B**
15 **misdemeanor for a first offense and a class A misdemeanor for any second or subsequent**
16 **offense.**

[577.628.] **579.155.** 1. [No person less than twenty-one years of age shall possess] **A**
2 **person commits the offense of possession of prescription medication on school property if**
3 **he or she is less than twenty-one years of age and knowingly possesses** upon the real property
4 comprising a public or private elementary or secondary school or school bus prescription
5 medication without a valid prescription for such medication. For purposes of this section,
6 prescription medication shall not include medication containing a controlled substance, as
7 defined in section 195.010.

8 2. The provisions of this section shall not apply to any person authorized to possess a
9 prescription medication by any school personnel who are responsible for storing, maintaining,
10 or dispensing any prescription medication under chapter 338. This section shall not limit the use
11 of any prescription medication by emergency personnel[, as defined in section 565.081,] during
12 an emergency situation.

13 3. [Any person less than twenty-one years of age who violates the provisions of this
14 section is guilty of] **The offense of possession of prescription medication on school property**
15 **is a class C misdemeanor for a first offense and a class B misdemeanor for any second or**
16 **subsequent offense.**

 [195.275.] **579.170.** 1. The following words or phrases as used in [sections 195.005 to
2 195.425] **this chapter** have the following meanings, unless the context otherwise requires:

3 (1) "Prior drug offender", one who [has previously pleaded guilty to or] has been found
4 guilty of any felony offense of the laws of this state, or of the United States, or any other state,
5 territory or district relating to controlled substances;

6 (2) "Persistent drug offender", one who [has previously pleaded guilty to or] has been
7 found guilty of two or more felony offenses of the laws of this state or of the United States, or
8 any other state, territory or district relating to controlled substances.

9 2. Prior [pleas of guilty and prior] findings of [guilty] **guilt** shall be pleaded and proven
10 in the same manner as required by section 558.021.

11 3. The court shall not instruct the jury as to the range of punishment or allow the jury,
12 upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of
13 prior drug offenders or persistent drug offenders.

14 4. [The provisions of sections 195.285 to 195.296 shall not be construed to affect and
15 may be used in addition to the sentencing provisions of sections 558.016 and 558.019.] **The**
16 **court shall sentence a person who has been found to be a prior drug offender and is found**
17 **guilty of a class C, D, or E felony under this chapter to the authorized term of**
18 **imprisonment for one class higher offense than the offense for which the person was found**
19 **guilty.**

20 5. **The court shall sentence a person who has been found to be a persistent drug**
21 **offender and is found guilty of a class B, C, D, or E felony under this chapter to the**
22 **authorized term of imprisonment for two classes higher offense than the offense for which**
23 **the person was found guilty. The court shall sentence a persistent drug offender who is**
24 **found guilty of a class B felony under this chapter to the authorized term of imprisonment**
25 **for a class A offense.**

 [195.280.] **579.175.** Any peace officer of the state of Missouri, or of any political
2 subdivision thereof, may, within the boundaries of the political entity from which he **or she**

3 derives his **or her** authority, arrest without a warrant any person he **or she** sees violating or
4 whom he **or she** has probable cause to believe has violated any provision of this chapter.

[195.367.] **579.180. 1.** It is not necessary for the state to negate any exemption or
2 exception in [sections 195.005 to 195.425] **this chapter** in any complaint, information,
3 indictment, or other pleading or in any trial, hearing, or other proceeding under [sections 195.005
4 to 195.425] **this chapter**. The burden of producing evidence of any exemption or exception is
5 upon the person claiming it.

6 **2. In the absence of proof that a person is the duly authorized holder of an**
7 **appropriate registration or order form issued under chapter 195, the person is presumed**
8 **not to be the holder of the registration or form. The burden of producing evidence with**
9 **respect to the registration or order form is upon such person claiming to be the authorized**
10 **holder of the registration or form.**

[195.371.] **579.185.** No criminal liability is imposed by [sections 195.005 to 195.425]
2 **this chapter** upon any authorized state, county, or municipal officer, lawfully engaged in the
3 enforcement of [sections 195.005 to 195.425] **this chapter** in good faith.

589.015. As used in sections 589.010 to 589.040:

2 (1) The term "center" shall mean the state center for the prevention and control of sexual
3 assault established pursuant to section 589.030;

4 (2) The term "sexual assault" shall include:

5 (a) The acts of rape **in the first or second degree**, [forcible rape,] statutory rape in the
6 first degree, statutory rape in the second degree, [sexual assault,] sodomy **in the first or second**
7 **degree**, [forcible sodomy,] statutory sodomy in the first degree, statutory sodomy in the second
8 degree, child molestation in the first degree, child molestation in the second degree, [deviate
9 sexual assault,] sexual misconduct and sexual abuse, or attempts to commit any of the aforesaid,
10 as these acts are defined in chapter 566;

11 (b) The act of incest, as this act is defined in section 568.020;

12 (c) The act of abuse of a child, as defined in subdivision (1) of subsection 1 of section
13 568.060, which involves sexual contact, and as defined in subdivision (2) of subsection 1 of
14 section 568.060;

15 (d) The act of use of a child in a sexual performance as defined in section 568.080; and

16 (e) The act of enticement of a child, as defined in section 566.151, or any attempt to
17 commit such act.

589.425. 1. A person commits the crime of failing to register as a sex offender when the
2 person is required to register under sections 589.400 to 589.425 and fails to comply with any
3 requirement of sections 589.400 to 589.425. Failing to register as a sex offender is a class [D]
4 **E** felony unless the person is required to register based on having committed an offense in

5 chapter 566 which was an unclassified felony, a class A or B felony, or a felony involving a child
6 under the age of fourteen, in which case it is a class [C] **D** felony.

7 2. A person commits the crime of failing to register as a sex offender as a second offense
8 by failing to comply with any requirement of sections 589.400 to 589.425 and he or she has
9 previously pled guilty to or has previously been found guilty of failing to register as a sex
10 offender. Failing to register as a sex offender as a second offense is a class [D] **E** felony unless
11 the person is required to register based on having committed an offense in chapter 566, or an
12 offense in any other state or foreign country, or under federal, tribal, or military jurisdiction,
13 which if committed in this state would be an offense under chapter 566 which was an
14 unclassified felony, a class A or B felony, or a felony involving a child under the age of fourteen,
15 in which case it is a class [C] **D** felony.

16 3. (1) A person commits the crime of failing to register as a sex offender as a third
17 offense by failing to meet the requirements of sections 589.400 to 589.425 and he or she has, on
18 two or more occasions, previously pled guilty to or has previously been found guilty of failing
19 to register as a sex offender. Failing to register as a sex offender as a third offense is a felony
20 which shall be punished by a term of imprisonment of not less than ten years and not more than
21 thirty years.

22 (2) No court may suspend the imposition or execution of sentence of a person who
23 pleads guilty to or is found guilty of failing to register as a sex offender as a third offense. No
24 court may sentence such person to pay a fine in lieu of a term of imprisonment.

25 (3) A person sentenced under this subsection shall not be eligible for conditional release
26 or parole until he or she has served at least two years of imprisonment.

27 (4) Upon release, an offender who has committed failing to register as a sex offender as
28 a third offense shall be electronically monitored as a mandatory condition of supervision.
29 Electronic monitoring may be based on a global positioning system or any other technology
30 which identifies and records the offender's location at all times.

590.700. 1. As used in this section, the following terms shall mean:

2 (1) "Custodial interrogation", the questioning of a person under arrest, who is no longer
3 at the scene of the crime, by a member of a law enforcement agency along with the answers and
4 other statements of the person questioned. "Custodial interrogation" shall not include:

5 (a) A situation in which a person voluntarily agrees to meet with a member of a law
6 enforcement agency;

7 (b) A detention by a law enforcement agency that has not risen to the level of an arrest;

8 (c) Questioning that is routinely asked during the processing of the arrest of the suspect;

9 (d) Questioning pursuant to an alcohol influence report;

10 (e) Questioning during the transportation of a suspect;

11 (2) "Recorded" and "recording", any form of audiotape, videotape, motion picture, or
12 digital recording.

13 2. All custodial interrogations of persons suspected of committing or attempting to
14 commit murder in the first degree, murder in the second degree, assault in the first degree, assault
15 of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse
16 in the first degree, robbery in the first degree, arson in the first degree, [forcible] rape **in the first**
17 **degree**, [forcible] sodomy **in the first degree**, kidnapping, statutory rape in the first degree,
18 statutory sodomy in the first degree, child abuse, or child kidnapping shall be recorded when
19 feasible.

20 3. Law enforcement agencies may record an interrogation in any circumstance with or
21 without the knowledge or consent of a suspect, but they shall not be required to record an
22 interrogation under subsection 2 of this section:

23 (1) If the suspect requests that the interrogation not be recorded;

24 (2) If the interrogation occurs outside the state of Missouri;

25 (3) If exigent public safety circumstances prevent recording;

26 (4) To the extent the suspect makes spontaneous statements;

27 (5) If the recording equipment fails; or

28 (6) If recording equipment is not available at the location where the interrogation takes
29 place.

30 4. Each law enforcement agency shall adopt a written policy to record custodial
31 interrogations of persons suspected of committing or attempting to commit the felony crimes
32 described in subsection 2 of this section.

33 5. If a law enforcement agency fails to comply with the provisions of this section, the
34 governor may withhold any state funds appropriated to the noncompliant law enforcement
35 agency if the governor finds that the agency did not act in good faith in attempting to comply
36 with the provisions of this section.

37 6. Nothing in this section shall be construed as a ground to exclude evidence, and a
38 violation of this section shall not have impact other than that provided for in subsection 5 of this
39 section. Compliance or noncompliance with this section shall not be admitted as evidence,
40 argued, referenced, considered or questioned during a criminal trial.

41 7. Nothing contained in this section shall be construed to authorize, create, or imply a
42 private cause of action.

[566.224.] **595.223.** No prosecuting or circuit attorney, peace officer, governmental
2 official, or employee of a law enforcement agency shall request or require a victim of [sexual
3 assault] **an offense** under [section 566.040 or forcible rape under section 566.030] **chapter 566,**
4 **or a victim of an offense of domestic assault or stalking** to submit to any polygraph test or

5 psychological stress evaluator exam as a condition for proceeding with a criminal investigation
6 of such [crime] **offense**.

[566.226.] **595.226.** 1. After August 28, 2007, any information contained in any court
2 record, whether written or published on the internet, that could be used to identify or locate any
3 victim of [sexual assault,] **an offense under chapter 566 or a victim of** domestic assault, **or**
4 stalking, [or forcible rape] shall be closed and redacted from such record prior to disclosure to
5 the public. Identifying information shall include the name, home or temporary address,
6 telephone number, Social Security number, **place of employment** or physical characteristics.
7 2. If the court determines that a person or entity who is requesting identifying
8 information of a victim has a legitimate interest in obtaining such information, the court may
9 allow access to the information, but only if the court determines that disclosure to the person or
10 entity would not compromise the welfare or safety of such victim, **and only after providing**
11 **reasonable notice to the victim and after allowing the victim right to respond to such**
12 **request**.

13 3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding
14 over a [sexual assault,] **case under chapter 566, or a case of** domestic assault[, **or** stalking[,
15 or forcible rape case] shall have the discretion to publicly disclose identifying information
16 regarding the defendant which could be used to identify or locate the victim of the crime. The
17 victim may provide a statement to the court regarding whether he or she desires such information
18 to remain closed. When making the decision to disclose such information, the judge shall
19 consider the welfare and safety of the victim and any statement to the court received from the
20 victim regarding the disclosure.

[557.041.] **595.229.** 1. Prior to the acceptance of a plea bargain by the court with respect
2 to any person who has pled guilty to an offense after initially being charged with a felony, the
3 court shall allow the victim of such offense to submit a written statement or appear before the
4 court personally or by counsel for the purpose of making a statement. The statement shall relate
5 solely to the facts of the case and any personal injuries or financial loss incurred by the victim.
6 A member of the immediate family of the victim may appear personally or by counsel to make
7 a statement if the victim has died or is otherwise unable to appear as a result of the offense
8 committed by the defendant.

9 2. At the time of sentencing of any person who has pled guilty or been found guilty of
10 a felony offense, the victim of such offense may appear before the court personally or by counsel
11 for the purpose of making a statement or may submit a written statement. The statement shall
12 relate solely to the facts of the case and any personal injuries or financial loss incurred by the
13 victim. A member of the immediate family of the victim may appear personally or by counsel

14 to make a statement if the victim has died or is otherwise unable to appear as a result of the
15 offense committed by the defendant.

16 3. The prosecuting attorney shall inform the victim or shall inform a member of the
17 immediate family of the victim if the victim is dead or otherwise is unable to make a statement
18 as a result of the offense committed by the defendant of the right to make a statement pursuant
19 to subsections 1 and 2 of this section. If the victim or member of the immediate family supplies
20 a stamped, self-addressed envelope, the prosecutor shall send notice of the time and location that
21 the court will hear the guilty plea or render sentence.

[570.222.] **595.232.** 1. Notwithstanding that jurisdiction may lie elsewhere for
2 investigation and prosecution of [a crime] **an offense** of identity theft, victims of identity theft
3 have the right to contact the local law enforcement agency where the victim is domiciled and
4 request that an incident report about the identity theft be prepared and filed. The victim may also
5 request from the local law enforcement agency to receive a copy of the incident report. The law
6 enforcement agency may share the incident report with law enforcement agencies located in other
7 jurisdictions.

8 2. As used in this section, "incident report" means a loss or other similar report prepared
9 and filed by a local law enforcement agency.

10 3. Nothing in this section shall interfere with the discretion of a local law enforcement
11 agency to allocate resources for investigations of crimes or to provide an incident report as
12 permitted in this section. An incident report prepared and filed under this section shall not be
13 an open case for purposes of compiling open case statistics.

610.125. 1. A person subject to an order of the court in subsection 4 of section 610.123
2 who knowingly fails to expunge or obliterate, or releases arrest information which has been
3 ordered expunged pursuant to section 610.123 is guilty of a class B misdemeanor.

4 2. A person subject to an order of the court in subsection 4 of section 610.123 who,
5 knowing the records have been ordered expunged, uses the arrest information for financial gain
6 is guilty of a class [D] **E** felony.

[577.054.] **610.130.** 1. After a period of not less than ten years, an individual who has
2 pleaded guilty or has been convicted for a first [alcohol-related driving] **intoxication-related**
3 **traffic offense or intoxication-related boating** offense which is a misdemeanor or a county or
4 city ordinance violation and which is not a conviction for driving a commercial motor vehicle
5 while under the influence of alcohol and who since such date has not been convicted of any
6 [other alcohol-related driving] **intoxication-related traffic offense or intoxication-related**
7 **boating** offense may apply to the court in which he or she pled guilty or was sentenced for an
8 order to expunge from all official records all recordations of his or her arrest, plea, trial or
9 conviction.

10 **2.** If the court determines, after hearing, that such person has not been convicted of any
11 subsequent [alcohol-related driving] **intoxication-related traffic offense or intoxication-**
12 **related boating** offense, has no other subsequent alcohol-related enforcement contacts as
13 defined in section 302.525, and has no other [alcohol-related driving charges] **intoxication-**
14 **related traffic offense or intoxication-related boating offenses** or alcohol-related enforcement
15 actions pending at the time of the hearing on the application, the court shall enter an order of
16 expungement.

17 **3.** Upon granting of the order of expungement, the records and files maintained in any
18 administrative or court proceeding in an associate or circuit division of the circuit court under
19 this section shall be confidential and only available to the parties or by order of the court for
20 good cause shown. The effect of such order shall be to restore such person to the status he or she
21 occupied prior to such arrest, plea or conviction and as if such event had never taken place. No
22 person as to whom such order has been entered shall be held thereafter under any provision of
23 any law to be guilty of perjury or otherwise giving a false statement by reason of his or her
24 failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response
25 to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made
26 for information relating to an expungement under this section. A person shall only be entitled
27 to one expungement pursuant to this section. Nothing contained in this section shall prevent the
28 director from maintaining such records as to ensure that an individual receives only one
29 expungement pursuant to this section for the purpose of informing the proper authorities of the
30 contents of any record maintained pursuant to this section.

31 [2.] **4.** The provisions of this section shall not apply to any individual who has been
32 issued a commercial driver's license or is required to possess a commercial driver's license issued
33 by this state or any other state.

630.155. 1. A person commits the crime of "patient, resident or client abuse or neglect"
2 against any person admitted on a voluntary or involuntary basis to any mental health facility or
3 mental health program in which people may be civilly detained pursuant to chapter 632, or any
4 patient, resident or client of any residential facility, day program or specialized service operated,
5 funded or licensed by the department if he knowingly does any of the following:

- 6 (1) Beats, strikes or injures any person, patient, resident or client;
- 7 (2) Mistreats or maltreats, handles or treats any such person, patient, resident or client
8 in a brutal or inhuman manner;
- 9 (3) Uses any more force than is reasonably necessary for the proper control, treatment
10 or management of such person, patient, resident or client;
- 11 (4) Fails to provide services which are reasonable and necessary to maintain the physical
12 and mental health of any person, patient, resident or client when such failure presents either an

13 imminent danger to the health, safety or welfare of the person, patient, resident or client, or a
14 substantial probability that death or serious physical harm will result.

15 2. Patient, resident or client abuse or neglect is a class A misdemeanor unless committed
16 under subdivision (2) or (4) of subsection 1 of this section in which case such abuse or neglect
17 shall be a class [D] E felony.

[565.216.] **630.161.** The department of mental health shall investigate incidents and
2 reports of vulnerable person abuse using the procedures established in sections 630.163 to
3 630.167 and, upon substantiation of the report of vulnerable person abuse, shall promptly report
4 the incident to the appropriate law enforcement agency and prosecutor. If the department is
5 unable to substantiate whether abuse occurred due to the failure of the operator or any of the
6 operator's agents or employees to cooperate with the investigation, the incident shall be promptly
7 reported to appropriate law enforcement agencies.

630.162. 1. When any physician, physician assistant, dentist, chiropractor,
2 **optometrist, podiatrist, intern, resident, nurse, nurse practitioner, medical examiner, social**
3 **worker, licensed professional counselor, certified substance abuse counselor, psychologist,**
4 **physical therapist, pharmacist, other health practitioner, minister, Christian Science**
5 **practitioner, facility administrator, nurse's aide or orderly in a residential facility, day**
6 **program or specialized service operated, funded or licensed by the department or in a**
7 **mental health facility or mental health program in which people may be admitted on a**
8 **voluntary basis or are civilly detained under chapter 632; or employee of the departments**
9 **of social services, mental health, or health and senior services; or home health agency or**
10 **home health agency employee; hospital and clinic personnel engaged in examination, care,**
11 **or treatment of persons; in-home services owner, provider, operator, or employee; law**
12 **enforcement officer; long-term care facility administrator or employee; mental health**
13 **professional; peace officer; probation or parole officer; or other nonfamilial person with**
14 **responsibility for the care of a vulnerable person, as defined by section 630.005, has**
15 **reasonable cause to suspect that such a person has been subjected to abuse or neglect or**
16 **observes such a person being subjected to conditions or circumstances that would**
17 **reasonably result in abuse or neglect, he or she shall immediately report or cause a report**
18 **to be made to the department in accordance with section 630.163. Any other person who**
19 **becomes aware of circumstances which may reasonably be expected to be the result of or**
20 **result in abuse or neglect may report to the department. Notwithstanding any other**
21 **provision of this section, a duly ordained minister, clergy, religious worker, or Christian**
22 **Science practitioner while functioning in his or her ministerial capacity shall not be**
23 **required to report concerning a privileged communication made to him or her in his or her**
24 **professional capacity.**

25 **2. Any residential facility, day program or specialized service operated, funded or**
26 **licensed by the department that prevents or discourages a patient, resident or client,**
27 **employee or other person from reporting that a patient, resident or client of a facility,**
28 **program or service has been abused or neglected shall be subject to loss of their license**
29 **issued under sections 630.705 to 630.760, and civil fines of up to five thousand dollars for**
30 **each attempt to prevent or discourage reporting.**

[565.220.] **630.164.** Any person, official or institution complying with the provisions of
2 section [565.218] **630.162**, in the making of a report, or in cooperating with the department in
3 any of its activities pursuant to sections [565.216 and 565.218] **630.161 to 630.167**, except [any]
4 **the** person, official, or institution [violating section 565.210, 565.212, or 565.214] **accused of**
5 **abusing or neglecting the vulnerable person** shall be immune from any civil or criminal
6 liability for making such a report, or in cooperating with the department, unless such person
7 acted negligently, recklessly, in bad faith, or with malicious purpose.

630.165. 1. When any physician, physician assistant, dentist, chiropractor, optometrist,
2 podiatrist, intern, resident, nurse, nurse practitioner, medical examiner, social worker, licensed
3 professional counselor, certified substance abuse counselor, psychologist, other health
4 practitioner, minister, Christian Science practitioner, peace officer, pharmacist, physical
5 therapist, facility administrator, nurse's aide, orderly or any other direct-care staff in a residential
6 facility, day program, group home or developmental disability facility as defined in section
7 633.005, or specialized service operated, licensed, certified, or funded by the department or in
8 a mental health facility or mental health program in which people may be admitted on a
9 voluntary basis or are civilly detained pursuant to chapter 632, or employee of the departments
10 of social services, mental health, or health and senior services; or home health agency or home
11 health agency employee; hospital and clinic personnel engaged in examination, care, or treatment
12 of persons; in-home services owner, provider, operator, or employee; law enforcement officer,
13 long-term care facility administrator or employee; mental health professional, probation or parole
14 officer, or other nonfamilial person with responsibility for the care of a patient, resident, or client
15 of a facility, program, or service has reasonable cause to suspect that a patient, resident or client
16 of a facility, program or service has been subjected to abuse or neglect or observes such person
17 being subjected to conditions or circumstances that would reasonably result in abuse or neglect,
18 he or she shall immediately report or cause a report to be made to the department in accordance
19 with section 630.163.

20 2. Any person who knowingly fails to make a report as required in subsection 1 of this
21 section is guilty of a class A misdemeanor and shall be subject to a fine up to one thousand
22 dollars. Penalties collected for violations of this section shall be transferred to the state school
23 moneys fund as established in section 166.051 and distributed to the public schools of this state

24 in the manner provided in section 163.031. Such penalties shall not considered charitable for
25 tax purposes.

26 3. Every person who has been previously convicted of or pled guilty to failing to make
27 a report as required in subsection 1 of this section and who is subsequently convicted of failing
28 to make a report under subsection 2 of this section is guilty of a class [D] E felony and shall be
29 subject to a fine up to five thousand dollars. Penalties collected for violation of this subsection
30 shall be transferred to the state school moneys fund as established in section 166.051 and
31 distributed to the public schools of this state in the manner provided in section 163.031. Such
32 penalties shall not considered charitable for tax purposes.

33 4. Any person who knowingly files a false report of vulnerable person abuse or neglect
34 is guilty of a class A misdemeanor and shall be subject to a fine up to one thousand dollars.
35 Penalties collected for violations of this subsection shall be transferred to the state school
36 moneys fund as established in section 166.051 and distributed to the public schools of this state
37 in the manner provided in section 163.031. Such penalties shall not considered charitable for
38 tax purposes.

39 5. Every person who has been previously convicted of or pled guilty to making a false
40 report to the department and who is subsequently convicted of making a false report under
41 subsection 4 of this section is guilty of a class [D] E felony and shall be subject to a fine up to
42 five thousand dollars. Penalties collected for violations of this subsection shall be transferred
43 to the state school moneys fund as established in section 166.051 and distributed to the public
44 schools of this state in the manner provided in section 163.031. Such penalties shall not
45 considered charitable for tax purposes.

46 6. Evidence of prior convictions of false reporting shall be heard by the court, out of the
47 hearing of the jury, prior to the submission of the case to the jury, and the court shall determine
48 the existence of the prior convictions.

49 7. Any residential facility, day program, or specialized service operated, funded, or
50 licensed by the department that prevents or discourages a patient, resident, client, employee, or
51 other person from reporting that a patient, resident, or client of a facility, program, or service has
52 been abused or neglected shall be subject to loss of their license issued pursuant to sections
53 630.705 to 630.760 and civil fines of up to five thousand dollars for each attempt to prevent or
54 discourage reporting.

632.480. As used in sections 632.480 to 632.513, the following terms mean:

2 (1) "Agency with jurisdiction", the department of corrections or the department of mental
3 health;

4 (2) "Mental abnormality", a congenital or acquired condition affecting the emotional or
5 volitional capacity which predisposes the person to commit sexually violent offenses in a degree
6 constituting such person a menace to the health and safety of others;

7 (3) "Predatory", acts directed towards individuals, including family members, for the
8 primary purpose of victimization;

9 (4) "Sexually violent offense", the felonies of **rape in the first degree**, forcible rape,
10 rape, statutory rape in the first degree, **sodomy in the first degree**, forcible sodomy, sodomy,
11 statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes, or
12 child molestation in the first or second degree, **sexual abuse in the first degree**, sexual abuse,
13 **rape in the second degree**, sexual assault, **sodomy in the second degree**, deviate sexual assault,
14 or the act of abuse of a child as defined in subdivision (1) of subsection 1 of section 568.060
15 which involves sexual contact, and as defined in subdivision (2) of subsection 1 of section
16 568.060;

17 (5) "Sexually violent predator", any person who suffers from a mental abnormality which
18 makes the person more likely than not to engage in predatory acts of sexual violence if not
19 confined in a secure facility and who:

20 (a) Has pled guilty or been found guilty, or been found not guilty by reason of mental
21 disease or defect pursuant to section 552.030 of a sexually violent offense; or

22 (b) Has been committed as a criminal sexual psychopath pursuant to section 632.475 and
23 statutes in effect before August 13, 1980.

[195.501.] **650.150.** Sections [195.501 to 195.511] **650.150 to 650.165** shall be known
2 and may be cited as the "Intergovernmental Drug Laws Enforcement Act".

[195.503.] **650.153.** As used in sections [195.501 to 195.511] **650.150 to 650.165**, the
2 following terms mean:

3 (1) "Department", the department of public safety;

4 (2) "Director", the director of the department of public safety;

5 (3) "Drug laws", all laws regulating the production, sale, prescribing, manufacturing,
6 administering, transporting, having in possession, dispensing, distributing, or use of controlled
7 substances, as defined in section 195.010;

8 (4) "Multijurisdictional enforcement group", or "MEG", a combination of political
9 subdivisions established under sections 573.500 and 573.503, section 178.653, and section
10 311.329 to investigate and enforce computer, internet-based, narcotics, and drug violations.

[195.505.] **650.156.** 1. Any two or more political subdivisions or the state highway
2 patrol and any one or more political subdivisions may by order or ordinance agree to cooperate
3 with one another in the formation of a multijurisdictional enforcement group for the purpose of

4 intensive professional investigation of computer, internet-based, narcotics and drug law
5 violations.

6 2. The power of arrest of any peace officer who is duly authorized as a member of a
7 MEG unit shall only be exercised during the time such peace officer is an active member of a
8 MEG unit and only within the scope of the investigation on which the MEG unit is working.
9 Notwithstanding other provisions of law to the contrary, such MEG officer shall have the power
10 of arrest, as limited in this subsection, anywhere in the state and shall provide prior notification
11 to the chief of police of the municipality in which the arrest is to take place or the sheriff of the
12 county if the arrest is to be made in his venue. If exigent circumstances exist, such arrest may
13 be made; however, notification shall be made to the chief of police or sheriff, as appropriate, as
14 soon as practical. The chief of police or sheriff may elect to work with the MEG unit at his **or**
15 **her** option when such MEG is operating within the jurisdiction of such chief of police or sheriff.

 [195.507.] **650.159.** 1. A county bordering another state may enter into agreement with
2 the political subdivisions in such other state's contiguous county pursuant to section 70.220 to
3 form a multijurisdictional enforcement group for the enforcement of drug and controlled
4 substance laws and work in cooperation pursuant to sections [195.501 to 195.511] **650.150 to**
5 **650.165.**

6 2. Such other state's law enforcement officers may be deputized as officers of the
7 counties of this state participating in an agreement pursuant to subsection 1 of this section, and
8 shall be deemed to have met all requirements of peace officer training and certification pursuant
9 to chapter 590 for the purposes of conducting investigations and making arrests in this state
10 pursuant to the provisions of section 195.505, provided such officers have satisfied the
11 applicable peace officer training and certification standards in force in such other state.

12 3. Such other state's law enforcement officers shall have the same powers and
13 immunities when working under an agreement pursuant to subsection 1 of this section as if
14 working under an agreement with another political subdivision in Missouri pursuant to section
15 70.815.

16 4. A multijurisdictional enforcement group formed pursuant to this section is eligible to
17 receive state grants to help defray the costs of its operation pursuant to the terms of section
18 195.509.

19 5. The provisions of subsections 2, 3, and 4 of this section shall not be in force unless
20 such other state has provided or shall provide legal authority for its political subdivisions to enter
21 into such agreements and to extend reciprocal powers and privileges to the law enforcement
22 officers of this state working pursuant to such agreements.

[195.509.] **650.161.** 1. A multijurisdictional enforcement group which meets the minimum criteria established in this section is eligible to receive state grants to help defray the costs of operation.

2. To be eligible for state grants, a MEG shall:

(1) Be established and operating pursuant to intergovernmental contracts written and executed in conformity by law, and involve two or more units of local government;

(2) Establish a MEG policy board composed of an elected official, or his designee, and the chief law enforcement officer from each participating unit of local government and a representative of a hazardous materials response team or, if such team is not formed, then a representative of the local fire response agency, to oversee the operations of the MEG and make such reports to the department of public safety as the department may require;

(3) Designate a single appropriate official of a participating unit of local government to act as the financial officer of the MEG for all participating units of the local government and to receive funds for the operation of the MEG;

(4) Limit its target operation to enforcement of drug laws;

(5) Cooperate with the department of public safety in order to assure compliance with sections [195.501 to 195.511] **650.150 to 650.165** and to enable the department to fulfill its duties under sections [195.501 to 195.511] **650.150 to 650.165** and supply the department with all information the department deems necessary therefor;

(6) Cooperate with the local hazardous material response team to establish a local emergency response strategy.

3. The department of public safety shall monitor the operations of all MEG units which receive state grants. From the moneys appropriated annually, if funds are made available by the general assembly for this purpose, the director shall determine and certify to the auditor the amount of the grant to be made to each designated MEG financial officer. No provision of this section shall prohibit funding of multijurisdictional enforcement groups by sources other than those provided by the general assembly, if such funding is in accordance with and in such a manner as provided by law.

[195.511.] **650.165.** The director shall report annually, no later than January first of each year, to the governor and the general assembly on the operations of the multijurisdictional enforcement groups, including a breakdown of the appropriation for the current fiscal year indicating the amount of the state grant each MEG received or will receive.

701.320. 1. Except as otherwise provided, violation of the provisions of sections 701.308, 701.309, 701.310, 701.311 and 701.316 is a class A misdemeanor.

2. Any lead inspector, risk assessor, lead abatement supervisor, lead abatement worker, project designer, or lead abatement contractor who engages in a lead abatement project while

5 such person's license, issued under section 701.312, is under suspension or revocation is guilty
6 of a class [D] E felony.

[195.025. 1. No person shall:

2 (1) Transport, carry, and convey any controlled substance by means of
3 any vessel, vehicle, or aircraft, except as authorized in sections 195.010 to
4 195.320;

5 (2) Conceal or possess any controlled substance in or upon any vessel,
6 vehicle or aircraft; or

7 (3) Use any vessel, vehicle, or aircraft to facilitate the transportation,
8 carriage, conveyance, concealment, receive possession, purchase, sell, barter,
9 exchange or giving away of any controlled substance.

10 2. When used in this section the term:

11 (1) "Aircraft" includes every description of craft or carriage or other
12 contrivance used or capable of being used as a means of transportation through
13 air;

14 (2) "Vehicle" includes every description of carriage or other contrivance
15 used or capable of being used as a means of transportation, on, below, or above
16 the land, and shall include but not be limited to automobiles, trucks, station
17 wagons, trailers and motorcycles, but does not include aircraft;

18 (3) "Vessel" includes every description of water craft or other contrivance
19 used or capable of being used as a means of transportation in water, but does not
20 include aircraft.]

21 [195.110. A person to whom or for whose use any controlled substance
2 in Schedule II has been prescribed, sold, or dispensed by a physician, dentist,
3 podiatrist, or pharmacist, or other person authorized under the provisions of
4 section 195.050 and the owner of any animal for which any such drug has been
5 prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in
6 the container in which it was delivered to him by the person selling or dispensing
7 the same.]

8 [195.135. 1. A search warrant may issue, and execution and seizure may
2 be had, as provided in the rules of criminal procedure for the courts of Missouri,
3 for any controlled substance or imitation controlled substance unlawfully in the
4 possession or under the control of any person, or for any drug paraphernalia for
5 the unauthorized administration or use of controlled substances or imitation
6 controlled substances in the possession or under the control of any person.

7 2. Any peace officer of the state, upon making an arrest for a violation
8 of this chapter, shall seize without warrant any controlled substance or imitation
9 controlled substance or drug paraphernalia kept for the unauthorized
10 administration or use of a controlled substance or imitation controlled substance
11 in the possession or under the control of the person or persons arrested, providing
12 such seizure shall be made incident to the arrest.]

2 [195.213. 1. A person commits the crime of unlawful purchase or
3 transport of a controlled substance with a minor if he knowingly permits a minor
4 child to purchase or transport illegally obtained controlled substances.

5 2. Unlawful purchase or transport of a controlled substance with a minor
6 is a class B felony.]

2 [195.214. 1. A person commits the offense of distribution of a controlled
3 substance near schools if such person violates section 195.211 by unlawfully
4 distributing or delivering any controlled substance to a person in or on, or within
5 two thousand feet of, the real property comprising a public or private elementary
6 or secondary school, public vocational school, or a public or private community
7 college, college or university or on any school bus.

8 2. Distribution of a controlled substance near schools is a class A felony
9 which term shall be served without probation or parole if the court finds the
10 defendant is a persistent drug offender.]

2 [195.217. 1. A person commits the offense of distribution of a controlled
3 substance near a park if such person violates section 195.211 by unlawfully
4 distributing or delivering heroin, cocaine, cocaine base, LSD, amphetamine, or
5 methamphetamine to a person in or on, or within one thousand feet of, the real
6 property comprising a public park, state park, county park, or municipal park or
7 a public or private park designed for public recreational purposes, as park is
8 defined in section 253.010.

9 2. Distribution of a controlled substance near a park is a class A felony.]

2 [195.219. 1. A person commits the crime of unlawful endangerment of
3 property if, while engaged in or as a part of the enterprise for the production of
4 a controlled substance, he protects or attempts to protect the production of the
5 controlled substance by creating, setting up, building, erecting or using any
6 device or weapon which causes or is intended to cause damage to the property of,
7 or injury to, another person.

8 2. Unlawful endangerment of property is a class C felony, unless there
9 is physical injury to a person whereby the offense is a class B felony, or there is
10 serious physical injury to a person whereby the offense is a class A felony.]

2 [195.246. 1. It is unlawful for any person to possess any
3 methamphetamine precursor drug with the intent to manufacture amphetamine,
4 methamphetamine or any of their analogs.

5 2. Possession of more than twenty-four grams of any methamphetamine
6 precursor drug or combination of methamphetamine precursor drugs shall be
7 prima facie evidence of intent to violate this section. This subsection shall not
8 apply to any practitioner or to any product possessed in the course of a legitimate
business.

9 3. A person who violates this section is guilty of a class D felony.]

10

2 [195.256. 1. It is unlawful for any person to manufacture, deliver or
3 possess with intent to manufacture or deliver, a controlled substance which, or
4 the container or labeling of which, without authorization and with knowledge of
5 the nature of his actions, bears the trademark, trade name, or other identifying
6 mark, imprint, number or device or any likeness thereof, of a manufacturer,
7 distributor, or dispenser, other than the person who in fact manufactured,
8 distributed, or dispensed the substance.

8 2. A person who violates this section is guilty of a class D felony.]

9

2 [195.285. 1. Any person who has pleaded guilty to or been found guilty
3 of a violation of subsection 2 of section 195.202 shall be sentenced to the
4 authorized term of imprisonment for a class B felony if the court finds the
5 defendant is a prior drug offender.

5 2. Any person who has pleaded guilty to or been found guilty of a
6 violation of subsection 2 of section 195.202 shall be sentenced to the authorized
7 term of imprisonment for a class A felony if it finds the defendant is a persistent
8 drug offender.]

9

2 [195.291. 1. Any person who has pleaded guilty to or been found guilty
3 of a violation of section 195.211, when punishable as a class B felony, shall be
4 sentenced to the authorized term of imprisonment for a class A felony if the court
5 finds the defendant is a prior drug offender.

5 2. Any person who has pleaded guilty to or been found guilty of a
6 violation of section 195.211, when punishable as a class B felony, shall be
7 sentenced to the authorized term of imprisonment for a class A felony which term
8 shall be served without probation or parole if the court finds the defendant is a
9 persistent drug offender.]

10

2 [195.292. Any person who has pleaded guilty to or been found guilty of
3 a violation of section 195.212 or 195.213 shall be sentenced to the authorized
4 term of imprisonment for a class A felony which term shall be served without
5 probation or parole if the court finds the defendant is a prior drug offender.]

5

2 [195.295. 1. Any person who has pleaded guilty to or been found guilty
3 of violation of subdivision (1) of subsection 1 of section 195.223, subdivision (1)
4 of subsection 2 of section 195.223, subdivision (1) of subsection 3 of section
5 195.223, subdivision (1) of subsection 4 of section 195.223, subdivision (1) of
6 subsection 5 of section 195.223, subdivision (1) of subsection 6 of section
7 195.223, or subdivision (1) of subsection 7 of section 195.223 shall be sentenced
8 to the authorized term of imprisonment for a class A felony if the court finds the
9 defendant is a prior drug offender.

9 2. Any person who has pleaded guilty to or been found guilty of a
10 violation of subdivision (1) of subsection 1 of section 195.223, subdivision (1)
11 of subsection 2 of section 195.223, subdivision (1) of subsection 3 of section
12 195.223, subdivision (1) of subsection 4 of section 195.223, subdivision (1) of
13 subsection 5 of section 195.223, subdivision (1) of subsection 6 of section
14 195.223, or subdivision (1) of subsection 7 of section 195.223, or subdivision (1)
15 of subsection 9 of section 195.223 shall be sentenced to the authorized term of
16 imprisonment for a class A felony, which term shall be without probation or
17 parole, if the court finds the defendant is a persistent drug offender.

18 3. Any person who has pleaded guilty to or been found guilty of a
19 violation of subdivision (2) of subsection 1 of section 195.223, subdivision (2)
20 of subsection 2 of section 195.223, subdivision (2) of subsection 3 of section
21 195.223, subdivision (2) of subsection 4 of section 195.223, subdivision (2) of
22 subsection 5 of section 195.223, subdivision (2) of subsection 6 of section
23 195.223, or subdivision (2) of subsection 7 of section 195.223 or subsection 8 of
24 section 195.223, or subdivision (2) of subsection 9 of section 195.223 shall be
25 sentenced to the authorized term of imprisonment for a class A felony, which
26 term shall be served without probation or parole, if the court finds the defendant
27 is a prior drug offender.]
28

 [195.296. Any person who has pleaded guilty to or been found guilty of
2 violation of subdivision (1) of subsection 1 of section 195.222, subdivision (1)
3 of subsection 2 of section 195.222, subdivision (1) of subsection 3 of section
4 195.222, subdivision (1) of subsection 4 of section 195.222, subdivision (1) of
5 subsection 5 of section 195.222, subdivision (1) of subsection 6 of section
6 195.222, or subdivision (1) of subsection 7 of section 195.222, or subdivision (1)
7 of subsection 8 of section 195.222 shall be sentenced to the authorized term of
8 imprisonment for a class A felony which term shall be served without probation
9 or parole if the court finds the defendant is a prior drug offender.]
10

 [195.369. In the absence of proof that a person is the duly authorized
2 holder of an appropriate registration or order form issued under sections 195.005
3 to 195.425, the person is presumed not to be the holder of the registration or
4 form. The burden of producing evidence with respect to the registration or order
5 form is upon that person.]
6

 [306.112. 1. A person commits the crime of operating a vessel with
2 excessive blood alcohol content if such person operates a vessel on the
3 Mississippi River, Missouri River or the lakes of this state with eight-hundredths
4 of one percent or more by weight of alcohol in such person's blood.

5 2. As used in this section, percent by weight of alcohol in the blood shall
6 be based upon grams of alcohol per one hundred milliliters of blood and may be
7 shown by chemical analysis of the person's blood, breath, urine, or saliva.

8 3. Operating a vessel with excessive blood alcohol content is a class B
9 misdemeanor.]

10
11 [306.114. 1. No person convicted of or pleading guilty to a violation of
12 section 306.111 or 306.112 shall be granted a suspended imposition of sentence,
13 unless such person is placed on probation for a minimum of two years and a
14 record of the conviction or plea of guilty is entered into the records of the
15 Missouri uniform law enforcement system maintained by the Missouri state
16 highway patrol.

17 2. Chemical tests of a person's blood, breath, urine, or saliva to be
18 considered valid under the provisions of sections 306.111 to 306.119 shall be
19 performed according to methods and devices approved by the department of
20 health and senior services by licensed medical personnel or by a person
21 possessing a valid permit issued by the department of health and senior services
22 for this purpose. In addition, any state, county, or municipal law enforcement
23 officer who is certified pursuant to chapter 590 may, prior to arrest, administer
24 a portable chemical test to any person suspected of operating any vessel in
25 violation of section 306.111 or 306.112. A portable chemical test shall be
26 admissible as evidence of probable cause to arrest and as exculpatory evidence,
27 but shall not be admissible as evidence of blood alcohol content. The provisions
28 of section 306.116 shall not apply to a test administered prior to arrest pursuant
29 to this section.

30 3. The department of health and senior services shall approve satisfactory
31 techniques, devices, equipment, or methods to conduct tests required by sections
32 306.111 to 306.119, and shall establish standards as to the qualifications and
33 competence of individuals to conduct analyses and to issue permits which shall
34 be subject to termination, suspension or revocation by the department of health
35 and senior services.

36 4. A licensed physician, registered nurse, or trained medical technician,
37 acting at the request and direction of a law enforcement officer, shall withdraw
38 blood for the purpose of determining the alcohol content of the blood, unless the
39 medical personnel, in the exercise of good faith medical judgment, believes such
40 procedure would endanger the life or health of the person in custody. Blood may
be withdrawn only by such medical personnel, but such restriction shall not apply
to the taking of a breath test or a urine or saliva specimen. In withdrawing blood
for the purpose of determining the alcohol content in the blood, only a previously
unused and sterile needle and sterile vessel shall be used and the withdrawal shall
otherwise be in strict accord with accepted medical practices. Upon the request
of the person who is tested, full information concerning the test taken at the
direction of the law enforcement officer shall be made available to such person.

5. No person who administers any test pursuant to the provisions of
sections 306.111 to 306.119 upon the request of a law enforcement officer, no
hospital in or with which such person is employed or is otherwise associated or

41 in which such test is administered, and no other person, firm, or corporation by
42 whom or with which such person is employed or is in any way associated shall
43 be civilly liable for damages to the person tested, except for negligence in
44 administering of the test or for willful and wanton acts or omissions.

45 6. Any person who is dead, unconscious or who is otherwise in a
46 condition rendering such person incapable of refusing to take a test as provided
47 in sections 306.111 to 306.119 shall be deemed not to have withdrawn the
48 consent provided by section 306.116 and the test or tests may be administered.]
49

[306.116. 1. Any person who operates a vessel upon the Mississippi
2 River, Missouri River or the lakes of this state shall be deemed to have given
3 consent to, subject to the provisions of sections 306.111 to 306.119, a chemical
4 test or tests of such person's breath, blood, urine, or saliva for the purpose of
5 determining the alcohol or drug content of such person's blood if arrested for any
6 offense arising out of acts which the arresting law enforcement officer had
7 reasonable grounds to believe were committed while the person was operating a
8 vessel upon the Mississippi River, Missouri River or lakes of this state in
9 violation of section 306.111 or 306.112. The test shall be administered at the
10 direction of the arresting law enforcement officer whenever the person has been
11 arrested for the offense.

12 2. The implied consent to submit to the chemical tests listed in subsection
13 1 of this section shall be limited to not more than two such tests arising from the
14 same arrest, incident, or charge.

15 3. The person tested may have a physician, or a qualified technician,
16 chemist, registered nurse, or other qualified person of such person's choosing and
17 at such person's expense administer a test in addition to any administered at the
18 direction of a law enforcement officer. The failure or inability to obtain an
19 additional test by a person shall not preclude the admission of evidence relating
20 to the test taken at the direction of a law enforcement officer.

21 4. Upon the request of the person who is tested, full information
22 concerning the test shall be made available to such person.]
23

[306.117. 1. Upon the trial of any person for violation of any of the
2 provisions of section 306.111 or 306.112 the amount of alcohol or drugs in the
3 person's blood at the time of the act alleged as shown by any chemical analysis
4 of the person's blood, breath, urine, or saliva is admissible in evidence and the
5 provisions of subdivision (5) of section 491.060 shall not prevent the
6 admissibility or introduction of such evidence if otherwise admissible. Evidence
7 of alcohol in a person's blood shall be given the following effect:

8 (1) If there was five-hundredths of one percent or less by weight of
9 alcohol in such person's blood, it shall be presumed that the person was not
10 intoxicated at the time the specimen was obtained;

(2) If there was in excess of five-hundredths of one percent but less than eight-hundredths of one percent by weight of alcohol in such person's blood, the fact shall not give rise to any presumption that the person was or was not intoxicated, but the fact may be considered with other competent evidence in determining whether the person was intoxicated;

(3) If there was eight-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken.

2. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood.

3. A chemical analysis of a person's breath, blood, urine, or saliva, in order to give rise to the presumption or to have the effect provided for in subsection 1 of this section, shall have been performed as provided in sections 306.111 to 306.119 and in accordance with methods and standards approved by the department of health and senior services.

4. The provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was intoxicated or under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol.]

[306.118. 1. For purposes of this section, unless the context clearly indicates otherwise, the following terms mean:

(1) "Aggravated offender", a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related boating offenses; or

(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related boating offenses and any of the following: involuntary manslaughter under subsection 3 of section 306.111; assault with a vessel in the second degree under subsection 4 of section 306.111, or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(2) "Chronic offender":

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related boating offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subsection 3 of section 306.111; assault with a vessel in the second degree under subsection 4 of section 306.111; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related boating offenses and any of the following: involuntary manslaughter under subsection 3 of section 306.111; assault with a

vessel in the second degree under subsection 4 of section 306.111; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(3) "Intoxication-related boating offense", operating a vessel while intoxicated under subsection 2 of section 306.111; operating a vessel with excessive blood alcohol content under section 306.112; involuntary manslaughter under subsection 3 of section 306.111; assault with a vessel in the second degree under subsection 4 of section 306.111; any violation of subsection 2 of section 306.110; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(4) "Persistent offender", one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related boating offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter under subsection 3 of section 306.111, assault in the second degree under subsection 4 of section 306.111, assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(5) "Prior offender", a person who has pleaded guilty to or has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112, who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112, who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112, who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section, nor sentence such person to pay a fine in lieu of a term of imprisonment, notwithstanding the provisions of section 557.011 to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he or she has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least

67 thirty days of community service under the supervision of the court in those
68 jurisdictions which have a recognized program for community service. No
69 persistent offender shall be eligible for parole or probation until he or she has
70 served a minimum of ten days imprisonment, unless as a condition of such parole
71 or probation such person performs at least sixty days of community service under
72 the supervision of the court. No aggravated offender shall be eligible for parole
73 or probation until he or she has served a minimum of sixty days imprisonment.
74 No chronic offender shall be eligible for parole or probation until he or she has
75 served a minimum of two years imprisonment.

76 7. The state, county, or municipal court shall find the defendant to be a
77 prior offender, persistent offender, aggravated offender, or chronic offender if:

78 (1) The indictment or information, original or amended, or the
79 information in lieu of an indictment pleads all essential facts warranting a finding
80 that the defendant is a prior offender, persistent offender, aggravated offender, or
81 chronic offender; and

82 (2) Evidence is introduced that establishes sufficient facts pleaded to
83 warrant a finding beyond a reasonable doubt the defendant is a prior offender,
84 persistent offender, aggravated offender, or chronic offender; and

85 (3) The court makes findings of fact that warrant a finding beyond a
86 reasonable doubt by the court that the defendant is a prior offender, persistent
87 offender, aggravated offender, or chronic offender.

88 8. In a jury trial, the facts shall be pleaded, established and found prior
89 to submission to the jury outside of its hearing.

90 9. In a trial without a jury or upon a plea of guilty, the court may defer the
91 proof in findings of such facts to a later time, but prior to sentencing.

92 10. The defendant shall be accorded full rights of confrontation and
93 cross-examination, with the opportunity to present evidence, at such hearings.

94 11. The defendant may waive proof of the facts alleged.

95 12. Nothing in this section shall prevent the use of presentence
96 investigations or commitments.

97 13. At the sentencing hearing both the state, county, or municipality and
98 the defendant shall be permitted to present additional information bearing on the
99 issue of sentence.

100 14. The pleas or findings of guilt shall be prior to the date of commission
101 of the present offense.

102 15. The court shall not instruct the jury as to the range of punishment or
103 allow the jury, upon a finding of guilt, to assess and declare the punishment as
104 part of its verdict in cases of prior offenders, persistent offenders, aggravated
105 offenders, or chronic offenders.]

106

2 [306.119. 1. If an arresting officer requests a person under arrest to
3 submit to a chemical test, such request shall include the reasons of the officer for
requesting the person to submit to a test and shall inform the person that he or she

4 may refuse such request but that such person's refusal may be used as evidence
5 against him or her. If a person refuses a test as provided in this subsection, no
6 test shall be given.

7 2. If a person refuses to submit to a chemical test of such person's breath,
8 blood, urine, or saliva and that person stands trial for the crimes provided in
9 section 306.111 or 306.112, such refusal may be admissible into evidence at the
10 trial.]

11

[306.141. 1. A person commits the crime of leaving the scene of a vessel
2 accident if:

3 (1) The person is an operator of a vessel on a waterway;

4 (2) The person knows that an injury was caused to another person or to
5 the property of another person, due to the person's action, whether purposefully,
6 negligently or accidentally; and

7 (3) The person leaves the place of the injury, damage, or accident without
8 stopping and giving the following information to the other party or to a water
9 patrol officer or other law enforcement officer or, if no officer is in the vicinity,
10 then without delay to the nearest police station or judicial officer:

11 (a) The operator's name;

12 (b) The operator's residence, including city and street number;

13 (c) The vessel registration number; and

14 (d) The operator's license number for any license issued under chapter
15 302.

16 2. Leaving the scene of a vessel accident is a class A misdemeanor,
17 unless:

18 (1) The defendant has previously pled guilty to, or been found guilty of,
19 a violation of this section; or

20 (2) The accident resulted in physical injury to another person. In which
21 cases, leaving the scene of a vessel accident is a class D felony.]

22

[556.016. 1. An offense defined by this code or by any other statute of
2 this state, for which a sentence of death or imprisonment is authorized,
3 constitutes a "crime". Crimes are classified as felonies and misdemeanors.

4 2. A crime is a "felony" if it is so designated or if persons convicted
5 thereof may be sentenced to death or imprisonment for a term which is in excess
6 of one year.

7 3. A crime is a "misdemeanor" if it is so designated or if persons
8 convicted thereof may be sentenced to imprisonment for a term of which the
9 maximum is one year or less.]

10

[556.022. It shall be the duty of the operator or driver of any vehicle or
2 the rider of any animal traveling on the roads of this state to stop on signal of any
3 law enforcement officer and to obey any other reasonable signal or direction of

4 such law enforcement officer given in the course of enforcing any infraction.
5 Any person who willfully fails or refuses to obey any signal or direction of a law
6 enforcement officer given in the course of enforcing any infraction, or who
7 willfully resists or opposes a law enforcement officer in the proper discharge of
8 his or her duties in the course of enforcing any infraction, is guilty of a class A
9 misdemeanor and on plea or finding of guilt thereof shall be punished as
10 provided by law for such offenses.]
11

[556.051. When the phrase "The defendant shall have the burden of
2 injecting the issue" is used in the code, it means

3 (1) The issue referred to is not submitted to the trier of fact unless
4 supported by evidence; and

5 (2) If the issue is submitted to the trier of fact any reasonable doubt on
6 the issue requires a finding for the defendant on that issue.]
7

[556.056. When the phrase "affirmative defense" is used in the code, it
2 means

3 (1) The defense referred to is not submitted to the trier of fact unless
4 supported by evidence; and

5 (2) If the defense is submitted to the trier of fact the defendant has the
6 burden of persuasion that the defense is more probably true than not.]
7

[556.063. In all criminal statutes, unless the context requires a different
2 definition, the following terms mean:

3 (1) "Access", to instruct, communicate with, store data in, retrieve or
4 extract data from, or otherwise make any use of any resources of, a computer,
5 computer system, or computer network;

6 (2) "Computer", the box that houses the central processing unit (cpu),
7 along with any internal storage devices, such as internal hard drives, and internal
8 communication devices, such as internal modems capable of sending or receiving
9 electronic mail or fax cards, along with any other hardware stored or housed
10 internally. Thus, computer refers to hardware, software and data contained in the
11 main unit. Printers, external modems attached by cable to the main unit,
12 monitors, and other external attachments will be referred to collectively as
13 peripherals and discussed individually when appropriate. When the computer
14 and all peripherals are referred to as a package, the term "computer system" is
15 used. Information refers to all the information on a computer system including
16 both software applications and data;

17 (3) "Computer equipment", computers, terminals, data storage devices,
18 and all other computer hardware associated with a computer system or network;

19 (4) "Computer hardware", all equipment which can collect, analyze,
20 create, display, convert, store, conceal or transmit electronic, magnetic, optical
21 or similar computer impulses or data. Hardware includes, but is not limited to,

22 any data processing devices, such as central processing units, memory typewriters
23 and self-contained laptop or notebook computers; internal and peripheral storage
24 devices, transistor-like binary devices and other memory storage devices, such
25 as floppy disks, removable disks, compact disks, digital video disks, magnetic
26 tape, hard drive, optical disks and digital memory; local area networks, such as
27 two or more computers connected together to a central computer server via cable
28 or modem; peripheral input or output devices, such as keyboards, printers,
29 scanners, plotters, video display monitors and optical readers; and related
30 communication devices, such as modems, cables and connections, recording
31 equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed
32 dialers, programmable telephone dialing or signaling devices and electronic
33 tone-generating devices; as well as any devices, mechanisms or parts that can be
34 used to restrict access to computer hardware, such as physical keys and locks;

35 (5) "Computer network", a complex consisting of two or more
36 interconnected computers or computer systems;

37 (6) "Computer program", a set of instructions, statements, or related data
38 that directs or is intended to direct a computer to perform certain functions;

39 (7) "Computer software", digital information which can be interpreted by
40 a computer and any of its related components to direct the way they work.
41 Software is stored in electronic, magnetic, optical or other digital form. It
42 commonly includes programs to run operating systems and applications, such as
43 word processing, graphic, or spreadsheet programs, utilities, compilers,
44 interpreters and communications programs;

45 (8) "Computer-related documentation", written, recorded, printed or
46 electronically stored material which explains or illustrates how to configure or
47 use computer hardware, software or other related items;

48 (9) "Computer system", a set of related, connected or unconnected,
49 computer equipment, data, or software;

50 (10) "Damage", any alteration, deletion, or destruction of any part of a
51 computer system or network;

52 (11) "Data", a representation of information, facts, knowledge, concepts,
53 or instructions prepared in a formalized or other manner and intended for use in
54 a computer or computer network. Data may be in any form including, but not
55 limited to, printouts, microfiche, magnetic storage media, punched cards and as
56 may be stored in the memory of a computer;

57 (12) "Digital camera", a camera that records images in a format which
58 enables the images to be downloaded into a computer;

59 (13) "Property", anything of value as defined in subdivision (10) of
60 section 570.010 and includes, but is not limited to, financial instruments,
61 information, including electronically produced data and computer software and
62 programs in either machine or human readable form, and any other tangible or
63 intangible item of value;

(14) "Services", the use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions.]

[557.046. In all felony cases, the court shall give notice of the time and place of sentencing to the prosecuting attorney and the law enforcement agency within whose jurisdiction the prosecution was initiated. The prosecuting attorney and a representative of the law enforcement agency may appear at sentencing and provide relevant information to the court prior to the court's decision.]

[560.016. 1. Except as otherwise provided for an offense outside this code, a person who has been convicted of a misdemeanor or infraction may be sentenced to pay a fine which does not exceed:

- (1) For a class A misdemeanor, one thousand dollars;
- (2) For a class B misdemeanor, five hundred dollars;
- (3) For a class C misdemeanor, three hundred dollars;
- (4) For an infraction, two hundred dollars.

2. In lieu of a fine imposed under subsection 1, a person who has been convicted of a misdemeanor or infraction through which he derived "gain" as defined in section 560.011, may be sentenced to a fine which does not exceed double the amount of gain from the commission of the offense. An individual offender may be fined not more than twenty thousand dollars under this provision.]

[560.021. 1. A sentence to pay a fine, when imposed on a corporation for an offense defined in this code or for any offense defined outside this code for which no special corporate fine is specified, shall be a sentence to pay an amount, fixed by the court, not exceeding:

- (1) Ten thousand dollars, when the conviction is of a felony;
- (2) Five thousand dollars, when the conviction is of a class A misdemeanor;
- (3) Two thousand dollars, when the conviction is of a class B misdemeanor;
- (4) One thousand dollars, when the conviction is of a class C misdemeanor;
- (5) Five hundred dollars, when the conviction is of an infraction;
- (6) Any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense, as determined under section 560.011.

2. In the case of an offense defined outside the code, if a special fine for a corporation is expressly specified in the statute that defines the offense, the fine fixed by the court shall be

(1) An amount within the limits specified in the statute that defines the offense; or

(2) Any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense, as determined under section 560.011.]

[565.075. 1. A person commits the crime of assault while on school property if the person:

(1) Knowingly causes physical injury to another person; or

(2) With criminal negligence, causes physical injury to another person by means of a deadly weapon; or

(3) Recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; and the act described under subdivision (1), (2) or (3) of this subsection occurred on school or school district property, or in a vehicle that at the time of the act was in the service of a school or school district, or arose as a result of a school or school district-sponsored activity.

2. Assault while on school property is a class D felony.]

[565.081. 1. A person commits the crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the first degree if such person attempts to kill or knowingly causes or attempts to cause serious physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term "corrections officer" includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms "highway worker", "construction zone", or "work zone" shall have the same meaning as such terms are defined in section 304.580.

5. As used in this section, the term "utility worker" means any employee while in performance of their job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

6. As used in this section, the term "cable worker" means any employee including any person employed under contract of a cable operator, as such term is defined in section 67.2677.

25 7. Assault of a law enforcement officer, corrections officer, emergency
26 personnel, highway worker in a construction zone or work zone, utility worker,
27 cable worker, or probation and parole officer in the first degree is a class A
28 felony.]
29

2 [565.082. 1. A person commits the crime of assault of a law enforcement
3 officer, corrections officer, emergency personnel, highway worker in a
4 construction zone or work zone, utility worker, cable worker, or probation and
5 parole officer in the second degree if such person:

6 (1) Knowingly causes or attempts to cause physical injury to a law
7 enforcement officer, corrections officer, emergency personnel, highway worker
8 in a construction zone or work zone, utility worker, cable worker, or probation
9 and parole officer by means of a deadly weapon or dangerous instrument;

10 (2) Knowingly causes or attempts to cause physical injury to a law
11 enforcement officer, corrections officer, emergency personnel, highway worker
12 in a construction zone or work zone, utility worker, cable worker, or probation
13 and parole officer by means other than a deadly weapon or dangerous instrument;

14 (3) Recklessly causes serious physical injury to a law enforcement
15 officer, corrections officer, emergency personnel, highway worker in a
16 construction zone or work zone, utility worker, cable worker, or probation and
17 parole officer; or

18 (4) While in an intoxicated condition or under the influence of controlled
19 substances or drugs, operates a motor vehicle or vessel in this state and when so
20 operating, acts with criminal negligence to cause physical injury to a law
21 enforcement officer, corrections officer, emergency personnel, highway worker
22 in a construction zone or work zone, utility worker, cable worker, or probation
23 and parole officer;

24 (5) Acts with criminal negligence to cause physical injury to a law
25 enforcement officer, corrections officer, emergency personnel, highway worker
26 in a construction zone or work zone, utility worker, cable worker, or probation
27 and parole officer by means of a deadly weapon or dangerous instrument;

28 (6) Purposely or recklessly places a law enforcement officer, corrections
29 officer, emergency personnel, highway worker in a construction zone or work
30 zone, utility worker, cable worker, or probation and parole officer in
31 apprehension of immediate serious physical injury; or

32 (7) Acts with criminal negligence to create a substantial risk of death or
33 serious physical injury to a law enforcement officer, corrections officer,
34 emergency personnel, highway worker in a construction zone or work zone,
35 utility worker, cable worker, or probation and parole officer.

36 2. As used in this section, "emergency personnel" means any paid or
37 volunteer firefighter, emergency room or trauma center personnel, or emergency
38 medical technician as defined in subdivisions (15), (16), (17), and (18) of section
190.100.

39 3. As used in this section the term "corrections officer" includes any jailer
40 or corrections officer of the state or any political subdivision of the state.

41 4. When used in this section, the terms "highway worker", "construction
42 zone", or "work zone" shall have the same meaning as such terms are defined in
43 section 304.580.

44 5. As used in this section, the term "utility worker" means any employee
45 while in performance of their job duties, including any person employed under
46 contract of a utility that provides gas, heat, electricity, water, steam,
47 telecommunications services, or sewer services, whether privately, municipally,
48 or cooperatively owned.

49 6. As used in this section, the term "cable worker" means any employee,
50 including any person employed under contract of a cable operator, as such term
51 is defined in section 67.2677.

52 7. Assault of a law enforcement officer, corrections officer, emergency
53 personnel, highway worker in a construction zone or work zone, utility worker,
54 cable worker, or probation and parole officer in the second degree is a class B
55 felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection
56 1 of this section in which case it is a class C felony. For any violation of
57 subdivision (1), (3), or (4) of subsection 1 of this section, the defendant must
58 serve mandatory jail time as part of his or her sentence.]
59

2 [565.083. 1. A person commits the crime of assault of a law enforcement
3 officer, corrections officer, emergency personnel, highway worker in a
4 construction zone or work zone, utility worker, cable worker, or probation and
5 parole officer in the third degree if:

6 (1) Such person recklessly causes physical injury to a law enforcement
7 officer, corrections officer, emergency personnel, highway worker in a
8 construction zone or work zone, utility worker, cable worker, or probation and
9 parole officer;

10 (2) Such person purposely places a law enforcement officer, corrections
11 officer, emergency personnel, highway worker in a construction zone or work
12 zone, utility worker, cable worker, or probation and parole officer in
13 apprehension of immediate physical injury;

14 (3) Such person knowingly causes or attempts to cause physical contact
15 with a law enforcement officer, corrections officer, emergency personnel,
16 highway worker in a construction zone or work zone, utility worker, cable
17 worker, or probation and parole officer without the consent of the law
18 enforcement officer, corrections officer, emergency personnel, highway worker
19 in a construction zone or work zone, utility worker, cable worker, or probation
20 and parole officer.

21 2. As used in this section, "emergency personnel" means any paid or
volunteer firefighter, emergency room or trauma center personnel, or emergency

medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term "corrections officer" includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms "highway worker", "construction zone", or "work zone" shall have the same meaning as such terms are defined in section 304.580.

5. As used in this section, the term "utility worker" means any employee while in performance of their job duties, including any person employed under contract of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

6. As used in this section, the term "cable worker" means any employee, including any person employed under contract of a cable operator, as such term is defined in section 67.2677.

7. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the third degree is a class A misdemeanor.]

[565.092. 1. A patient or respondent is guilty of aggravated harassment of an employee when, with intent to harass, annoy, threaten or alarm a person in a facility whom the person knows or reasonably should know to be an employee of such facility or the department of mental health or to be an employee of any law enforcement agency, the person causes or attempts to cause such employee to come into contact with blood, seminal fluid, urine or feces, by throwing, tossing or expelling such fluid or material.

2. For the purposes of this section, "patient" means any person who is a patient in a facility operated by the department of mental health. For purposes of this section, "respondent" means a juvenile in a secure facility operated and maintained by the division of youth services. For purposes of this section, "facility" means a hospital operated by the department of mental health or a secure facility operated by the division of youth services.

3. Any person who violates the provisions of this section is guilty of a class A misdemeanor.]

[565.149. As used in sections 565.149 to 565.169, the following words and phrases mean:

- (1) "Child", a person under seventeen years of age;
- (2) "Legal custody", the right to the care, custody and control of a child;
- (3) "Parent", either a biological parent or a parent by adoption;
- (4) "Person having a right of custody", a parent or legal guardian of the child.]

[565.165. 1. A person commits the crime of assisting in child abduction or parental kidnapping if he:

(1) Before or during the commission of a child abduction or parental kidnapping as defined in section 565.153 or 565.156 and with the intent to promote or facilitate such offense, intentionally assists another in the planning or commission of child abduction or parental kidnapping, unless before the commission of the offense he makes proper efforts to prevent the commission of the offense; or

(2) With the intent to prevent the apprehension of a person known to have committed the offense of child abduction or parental kidnapping, or with the intent to obstruct or prevent efforts to locate the child victim of a child abduction, knowingly destroys, alters, conceals or disguises physical evidence or furnishes false information.

2. Assisting in child abduction or parental kidnapping is a class A misdemeanor.]

[565.169. Upon conviction or guilty plea of a person under section 565.150, or section 565.153 or 565.156, the court may, in addition to or in lieu of any sentence or fine imposed, assess as restitution against the defendant and in favor of the legal custodian or parent any reasonable expenses incurred by the legal custodian or parent in searching for or returning the child.]

[565.180. 1. A person commits the crime of elder abuse in the first degree if he attempts to kill, knowingly causes or attempts to cause serious physical injury, as defined in section 565.002, to any person sixty years of age or older or an eligible adult as defined in section 660.250.

2. Elder abuse in the first degree is a class A felony.]

[565.182. 1. A person commits the crime of elder abuse in the second degree if he:

(1) Knowingly causes, attempts to cause physical injury to any person sixty years of age or older or an eligible adult, as defined in section 660.250, by means of a deadly weapon or dangerous instrument; or

(2) Recklessly or purposely causes serious physical injury, as defined in section 565.002, to a person sixty years of age or older or an eligible adult as defined in section 660.250.

2. Elder abuse in the second degree is a class B felony.]

[565.210. 1. A person commits the crime of vulnerable person abuse in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a vulnerable person, as defined in section 630.005.

2. Vulnerable person abuse in the first degree is a class A felony.]

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[565.212. 1. A person commits the crime of vulnerable person abuse in the second degree if he or she:

(1) Knowingly causes or attempts to cause physical injury to a vulnerable person, as defined in section 630.005, by means of a deadly weapon or dangerous instrument; or

(2) Recklessly causes serious physical injury to any vulnerable person, as defined in section 630.005.

2. Vulnerable person abuse in the second degree is a class B felony.]

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[565.214. 1. A person commits the crime of vulnerable person abuse in the third degree if he or she:

(1) Knowingly causes or attempts to cause physical contact with any vulnerable person as defined in section 630.005, knowing the other person will regard the contact as harmful or offensive; or

(2) Purposely engages in conduct involving more than one incident that causes grave emotional distress to a vulnerable person, as defined in section 630.005. The result of the conduct shall be such as would cause a vulnerable person, as defined in section 630.005, to suffer substantial emotional distress; or

(3) Purposely or knowingly places a vulnerable person, as defined in section 630.005, in apprehension of immediate physical injury; or

(4) Intentionally fails to provide care, goods or services to a vulnerable person, as defined in section 630.005. The result of the conduct shall be such as would cause a vulnerable person, as defined in section 630.005, to suffer physical or emotional distress; or

(5) Knowingly acts or knowingly fails to act with malice in a manner that results in a grave risk to the life, body or health of a vulnerable person, as defined in section 630.005; or

(6) Is a person who is a vendor, provider, agent, or employee of a department operated, funded, licensed, or certified program and engages in sexual contact, as defined by subdivision (3) of section 566.010, or sexual intercourse, as defined by subdivision (4) of section 566.010, with a vulnerable person.

2. Vulnerable person abuse in the third degree is a class A misdemeanor.

3. Actions done in good faith and without gross negligence that are designed to protect the safety of the individual and the safety of others, or are provided within accepted standards of care and treatment, shall not be considered as abuse of a vulnerable person as defined in this section.

4. Nothing in this section shall be construed to mean that a vulnerable person is abused solely because such person chooses to rely on spiritual means through prayer, in lieu of medical care, for his or her health care, as evidenced by the vulnerable person's explicit consent, advance directive for health care, or practice.]

[565.250. As used in sections 565.250 to 565.257, the following terms mean:

(1) "Full or partial nudity", the showing of all or any part of the human genitals or pubic area or buttock, or any part of the nipple of the breast of any female person, with less than a fully opaque covering;

(2) "Photographs" or "films", the making of any photograph, motion picture film, videotape, or any other recording or transmission of the image of a person;

(3) "Place where a person would have a reasonable expectation of privacy", any place where a reasonable person would believe that a person could disrobe in privacy, without being concerned that the person's undressing was being viewed, photographed or filmed by another;

(4) "Prior invasion of privacy offender", a person who previously has pleaded or been found guilty of the crime of invasion of privacy;

(5) "Same course of conduct", more than one person has been filmed in full or partial nudity under the same or similar circumstances pursuant to one scheme or course of conduct, whether at the same or different times;

(6) "Views", the looking upon of another person, with the unaided eye or with any device designed or intended to improve visual acuity, for the purpose of arousing or gratifying the sexual desire of any person.]

[565.253. 1. A person commits the crime of invasion of privacy in the second degree if:

(1) Such person knowingly views, photographs or films another person, without that person's knowledge and consent, while the person being viewed, photographed or filmed is in a state of full or partial nudity and is in a place where one would have a reasonable expectation of privacy; or

(2) Such person knowingly uses a concealed camcorder or photographic camera of any type to secretly videotape, photograph, or record by electronic means another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent.

2. Invasion of privacy in the second degree pursuant to subdivision (1) of subsection 1 of this section is a class A misdemeanor; unless more than one person is viewed, photographed or filmed in full or partial nudity in violation of sections 565.250 to 565.257 during the same course of conduct, in which case invasion of privacy is a class D felony; and unless committed by a person who has previously pled guilty to or been found guilty of invasion of privacy, in which case invasion of privacy is a class D felony. Invasion of privacy in the second degree pursuant to subdivision (2) of subsection 1 of this section is a class A misdemeanor; unless more than one person is secretly videotaped, photographed or recorded in violation of sections 565.250 to 565.257 during the same course of conduct, in which case invasion of privacy is a class D felony; and unless

23 committed by a person who has previously pled guilty to or been found guilty of
24 invasion of privacy, in which case invasion of privacy is a class C felony. Prior
25 pleas or findings of guilt shall be pled and proven in the same manner required
26 by the provisions of section 558.021.]
27

2 [566.025. In prosecutions pursuant to this chapter or chapter 568 of a
3 sexual nature involving a victim under fourteen years of age, whether or not age
4 is an element of the crime for which the defendant is on trial, evidence that the
5 defendant has committed other charged or uncharged crimes of a sexual nature
6 involving victims under fourteen years of age shall be admissible for the purpose
7 of showing the propensity of the defendant to commit the crime or crimes with
8 which he or she is charged unless the trial court finds that the probative value of
9 such evidence is outweighed by the prejudicial effect.]

2 [566.140. 1. Any person who has pleaded guilty to or been found guilty
3 of violating the provisions of this chapter and is granted a suspended imposition
4 or execution of sentence or placed under the supervision of the board of
5 probation and parole shall be required to participate in and successfully complete
6 a program of treatment, education and rehabilitation designed for perpetrators of
7 sexual offenses. Persons required to attend a program pursuant to this section
8 may be charged a reasonable fee to cover the costs of such program.

9 2. No person who provides assessment services or who makes a report,
10 finding, or recommendation for any probationer to attend any counseling or
11 program of treatment, education or rehabilitation as a condition or requirement
12 of probation, following the probationer's plea of guilty to or a finding of guilt of
13 violating any provision of this chapter or chapter 565, may be related within the
14 third degree of consanguinity or affinity to any person who has a financial
15 interest, whether direct or indirect, in the counseling or program of treatment,
16 education or rehabilitation or any financial interest, whether direct or indirect, in
17 any private entity which provides the counseling or program of treatment,
18 education or rehabilitation. Any person who violates this subsection shall
19 thereafter:

20 (1) Immediately remit to the state of Missouri any financial income
21 gained as a direct or indirect result of the action constituting the violation;

22 (2) Be prohibited from providing assessment or counseling services or
23 any program of treatment, education or rehabilitation to, for, on behalf of, at the
24 direction of, or in contract with the state board of probation and parole or any
25 office thereof; and

26 (3) Be prohibited from having any financial interest, whether direct or
27 indirect, in any private entity which provides assessment or counseling services
28 or any program of treatment, education or rehabilitation to, for, on behalf of, at
29 the direction of, or in contract with the state board of probation and parole or any
office thereof.

30 3. The provisions of subsection 2 of this section shall not apply when the
31 department of corrections has identified only one qualified service provider
32 within reasonably accessible distance from the offender or when the only
33 providers available within a reasonable distance are related within the third
34 degree of consanguinity or affinity to any person who has a financial interest in
35 the service provider.]
36

2 [566.141. Any person who is convicted of or pleads guilty or nolo
3 contendere to any sexual offense involving a child shall be required as a
4 condition of probation or parole to be involved in and successfully complete an
5 appropriate treatment program. Any person involved in such a program shall be
6 required to follow all directives of the treatment program provider.]

2 [567.040. In any prosecution for prostitution or patronizing a prostitute,
3 the sex of the two parties or prospective parties to the sexual conduct engaged in,
4 contemplated or solicited is immaterial, and it is no defense that
5 (1) Both persons were of the same sex; or
6 (2) The person who received, agreed to receive or solicited something of
7 value was a male and the person who gave or agreed or offered to give something
8 of value was a female.]

2 [568.100. 1. When it becomes necessary for the purposes of section
3 568.060, 568.080 or 568.090 to determine whether a child who participated in a
4 sexual performance was younger than seventeen years of age, the court or jury
5 may make this determination by any of the following methods:

- 6 (1) Personal inspection of the child;
- 7 (2) Inspection of the photograph or motion picture that shows the child
8 engaging in the sexual performance;
- 9 (3) Oral testimony by a witness to the sexual performance as to the age
10 of the child based on the child's appearance at the time;
- 11 (4) Expert medical testimony based on the appearance of the child
12 engaging in the sexual performance; or
- 13 (5) Any other method authorized by law or by the rules of evidence.

14 2. When it becomes necessary for the purposes of section 568.060,
15 568.080 or 568.090 to determine whether a child who participated in the sexual
16 conduct consented to the conduct, the term "consent" shall have the meaning
17 given it in section 556.061.

18 3. Upon request of the prosecuting attorney, the court may order that the
19 child's testimony be videotaped pursuant to section 492.303 or as otherwise
20 provided by law.]

2 [568.120. 1. Any person who has pleaded guilty to or been found guilty
of violating the provisions of section 568.020, 568.060, 568.080 or 568.090, and

3 who is granted a suspended imposition or execution of sentence, or placed under
4 the supervision of the board of probation and parole, shall be required to
5 participate in an appropriate program of treatment, education and rehabilitation.
6 Persons required to attend a program pursuant to this section may be charged a
7 reasonable fee to cover the costs of such program.

8 2. Notwithstanding other provisions of law to the contrary, any person
9 who has previously pleaded guilty to or been found guilty of violating the
10 provisions of sections 568.020, 568.060, 568.080 and 568.090, and who
11 subsequently pleads guilty or is found guilty of violating any one of the foregoing
12 sections, shall not be granted a suspended imposition of sentence, a suspended
13 execution of sentence, nor probation by the circuit court for the subsequent
14 offense.]
15

2 [569.025. 1. A person commits the crime of pharmacy robbery in the
3 first degree when he forcibly steals any controlled substance from a pharmacy
4 and in the course thereof he, or another participant in the crime:

- 5 (1) Causes serious physical injury to any person;
6 (2) Is armed with a deadly weapon;
7 (3) Uses or threatens the immediate use of a dangerous instrument
8 against any person; or
9 (4) Displays or threatens the use of what appears to be a deadly weapon
10 or dangerous instrument.

11 2. For purposes of this section the following terms mean:

- 12 (1) "Controlled substance", a drug, substance or immediate precursor in
13 schedules I through V as defined in sections 195.005 to 195.425;
14 (2) "Pharmacy", any building, warehouse, physician's office, hospital,
15 pharmaceutical house or other structure used in whole or in part for the sale,
16 storage or dispensing of any controlled substance as defined by sections 195.005
17 to 195.425.

18 3. Pharmacy robbery in the first degree is a class A felony, but,
19 notwithstanding any other provision of law, a person convicted pursuant to this
20 section shall not be eligible for suspended execution of sentence, parole or
21 conditional release until having served a minimum of ten years of imprisonment.]

2 [569.035. 1. A person commits the crime of pharmacy robbery in the
3 second degree when he forcibly steals any controlled substance from a pharmacy.

4 2. For purposes of this section the following terms mean:

- 5 (1) "Controlled substance", a drug, substance or immediate precursor in
6 schedules I through V as defined in sections 195.005 to 195.425;
7 (2) "Pharmacy", any building, warehouse, physician's office, hospital,
8 pharmaceutical house or other structure used in whole or in part for the sale,
9 storage or dispensing of any controlled substance as defined by sections 195.005
to 195.425.

10 3. Pharmacy robbery in the second degree is a class B felony, but,
11 notwithstanding any other provision of law, a person convicted pursuant to this
12 section shall not be eligible for suspended execution of sentence, parole or
13 conditional release until having served a minimum of five years of
14 imprisonment.]

15

2 [569.067. 1. A person commits the crime of negligently setting fire to a
3 woodland, cropland, grassland, prairie or marsh when he with criminal
4 negligence causes damage to a woodland, cropland, grassland, prairie or marsh
5 of another by starting a fire.

6 2. A person commits the crime of negligently allowing a fire to escape
7 when he with criminal negligence allows a fire burning on lands in his possession
8 or control to escape onto property of another.

9 3. Negligently setting fire to a woodland, cropland, grassland, prairie or
10 marsh or negligently allowing a fire to escape is a class B misdemeanor.]

10

2 [569.094. In a prosecution under sections 569.095 to 569.099, computer
3 printouts shall be competent evidence of any computer software, program, or data
4 contained in or taken from a computer, computer system, or computer network.]

4

2 [570.033. Any person who, without lawful authority, willfully takes
3 another's animal with the intent to deprive him of his property is guilty of a class
4 D felony.]

4

2 [570.040. 1. Every person who has previously pled guilty to or been
3 found guilty of two stealing-related offenses committed on two separate
4 occasions where such offenses occurred within ten years of the date of occurrence
5 of the present offense and who subsequently pleads guilty or is found guilty of
6 a stealing-related offense is guilty of a class D felony, unless the subsequent plea
7 or guilty verdict is pursuant to paragraph (a) of subdivision (3) of subsection 3
8 of section 570.030, in which case the person shall be guilty of a class B felony,
9 and shall be punished accordingly.

10 2. As used in this section, the term "stealing-related offense" shall
11 include federal and state violations of criminal statutes against stealing, robbery,
12 or buying or receiving stolen property and shall also include municipal
13 ordinances against same if the defendant was either represented by counsel or
14 knowingly waived counsel in writing and the judge accepting the plea or making
15 the findings was a licensed attorney at the time of the court proceedings. 3 .
16 Evidence of prior guilty pleas or findings of guilt shall be heard by the court, out
17 of the hearing of the jury, prior to the submission of the case to the jury, and the
18 court shall determine the existence of the prior guilty pleas or findings of guilt.]

2 [570.050. Amounts stolen pursuant to one scheme or course of conduct,
3 whether from the same or several owners and whether at the same or different
4 times, constitute a single criminal episode and may be aggregated in determining
5 the grade of the offense.]

2 [570.055. Any person who steals or appropriates, without consent of the
3 owner, any wire, electrical transformer, metallic wire associated with transmitting
4 telecommunications, or any other device or pipe that is associated with
5 conducting electricity or transporting natural gas or other combustible fuels shall
6 be guilty of a class C felony.]

2 [570.080. 1. A person commits the crime of receiving stolen property if
3 for the purpose of depriving the owner of a lawful interest therein, he or she
4 receives, retains or disposes of property of another knowing that it has been
5 stolen, or believing that it has been stolen.

6 2. Evidence of the following is admissible in any criminal prosecution
7 pursuant to this section to prove the requisite knowledge or belief of the alleged
8 receiver:

9 (1) That he or she was found in possession or control of other property
10 stolen on separate occasions from two or more persons;

11 (2) That he or she received other stolen property in another transaction
12 within the year preceding the transaction charged;

13 (3) That he or she acquired the stolen property for a consideration which
14 he or she knew was far below its reasonable value;

15 (4) That he or she obtained control over stolen property knowing the
16 property to have been stolen or under such circumstances as would reasonably
17 induce a person to believe the property was stolen.

18 3. Except as otherwise provided in subsections 4 and 5 of this section,
19 receiving stolen property is a class A misdemeanor.

20 4. Receiving stolen property is a class C felony if:

21 (1) The value of the property or services appropriated is five hundred
22 dollars or more but less than twenty-five thousand dollars;

23 (2) The property has been physically taken from the person of the victim;
24 or

25 (3) The property appropriated includes:

26 (a) Any motor vehicle, watercraft, or aircraft;

27 (b) Any will or unrecorded deed affecting real property;

28 (c) Any credit card or letter of credit;

29 (d) Any firearm;

30 (e) Any explosive weapon as that term is defined in section 571.010;

31 (f) A United States national flag designed, intended, and used for display
on buildings or stationary flagstuffs in the open;

32 (g) Any original copy of an act, bill, or resolution, introduced or acted
33 upon by the legislature of the state of Missouri;

34 (h) Any pleading, notice, judgment, or any other record or entry of any
35 court of this state, any other state, or of the United States;

36 (i) Any book of registration or list of voters required by chapter 115;

37 (j) Any animal considered livestock as that term is defined in section
38 144.010;

39 (k) Any live fish raised for commercial sale with a value of seventy-five
40 dollars or more;

41 (l) Any captive wildlife held under permit issued by the conservation
42 commission;

43 (m) Any controlled substance as that term is defined in section 195.010;

44 (n) Anhydrous ammonia;

45 (o) Ammonium nitrate; or

46 (p) Any document of historical significance which has a fair market value
47 of five hundred dollars or more.

48 5. The receipt of any item of property or services pursuant to subsection
49 4 of this section which exceeds five hundred dollars may be considered a separate
50 felony and may be charged in separate counts.

51 6. Any person who previously has been found guilty of, or pled guilty to,
52 receiving stolen property, when the property is of the kind described under
53 paragraph (j) or (l) of subdivision (3) of subsection 4 of this section and the value
54 of the animal or animals received exceeds three thousand dollars, is guilty of a
55 class B felony. Such person shall serve a minimum prison term of not less than
56 eighty percent of his or her sentence before being eligible for probation, parole,
57 conditional release, or other early release by the department of corrections.

58 7. Receiving stolen property is a class B felony if the value of the
59 property or services equals or exceeds twenty-five thousand dollars.]
60

[570.155. 1. It shall be unlawful:

2 (1) For any person to give, promise or offer to any professional or
3 amateur baseball, football, hockey, polo, tennis or basketball player or boxer or
4 any player who participates or expects to participate in any professional or
5 amateur game or sport or any jockey, driver, groom or any person participating
6 or expecting to participate in any horse race, including owners of race tracks and
7 their employees, stewards, trainers, judges, starters or special policemen, or to
8 any manager, coach or trainer of any team or participant or prospective
9 participant in any such game, contest or sport, any valuable thing with intent to
10 influence him to lose or try to lose or cause to be lost or to limit his or his team's
11 margin of victory in a baseball, football, hockey or basketball game, boxing,
12 tennis or polo match or a horse race or any professional or amateur sport, or
13 game, in which such player or participant or jockey or driver, is taking part or
14 expects to take part, or has any duty or connection therewith;

15 (2) For any professional or amateur baseball, football, hockey, basketball,
16 tennis or polo player, boxer, or jockey, driver, or groom or participant or
17 prospective participant in any sport or game, or manager, coach or trainer of any
18 team or individual participant or prospective participant in any such game,
19 contest or sport to accept, attempt to obtain, or to solicit any valuable thing to
20 influence him to lose or try to lose or cause to be lost or to limit his or his team's
21 margin of victory in a baseball, football, hockey or basketball game or boxing,
22 tennis, or polo match, or horse race or any game or sport in which he is taking
23 part, or expects to take part, or has any duty or connection therewith.

24 2. (1) Any person violating the provisions of subdivision (1) of
25 subsection 1 shall be deemed guilty of a felony, and, upon conviction thereof,
26 shall be punished by imprisonment in the penitentiary for a term of not to exceed
27 ten years or by imprisonment in the county jail for a period not to exceed one
28 year, or by a fine not to exceed ten thousand dollars or by both such fine and
29 imprisonment;

30 (2) Any person violating the provisions of subdivision (2) of subsection
31 1 shall be deemed guilty of a misdemeanor.]
32

[570.160. 1. A person commits the crime of false advertising if, in
2 connection with the promotion of the sale of, or to increase the consumption of,
3 property or services, he recklessly makes or causes to be made a false or
4 misleading statement in any advertisement addressed to the public or to a
5 substantial number of persons.

6 2. False advertising is a class A misdemeanor.]
7

[570.170. 1. A person commits the crime of bait advertising if he
2 advertises in any manner the sale of property or services with the purpose not to
3 sell or provide the property or services:

4 (1) At the price which he offered them; or

5 (2) In a quantity sufficient to meet the reasonably expected public
6 demand, unless the quantity is specifically stated in the advertisement; or

7 (3) At all.

8 2. Bait advertising is a class A misdemeanor.]
9

[570.190. 1. A person commits the crime of telephone service fraud if
2 the person by deceit obtains or attempts to obtain telephone service without
3 paying the lawful charge, except that it shall not be unlawful for a person to
4 purchase, rent or use telephones or telephone receiving equipment acquired from
5 a lawful source, other than the telephone utility certified to serve the area in
6 which such person resides.

7 2. A person commits the crime of electronic telephone fraud if the person
8 knowingly

- 9 (1) Uses, in connection with the making or receiving of a telephone call;
10 or
11 (2) Has possession of; or
12 (3) Transfers possession or causes the transfer of possession to another;
13 or
14 (4) Makes or assembles; an electronic or mechanical device which, when
15 used in connection with a telephone call, will cause the billing system of a
16 telephone company to record incorrectly, or omit to record correctly, any fact by
17 which the person responsible for paying the charge for a telephone call is
18 determined.
- 19 3. Venue for trial shall be as follows:
- 20 (1) An offense under subsection 1 and subdivision (1) of subsection 2
21 which involves the placing of telephone calls may be deemed to have been
22 committed at either the place at which the telephone calls were made, or at the
23 place where the telephone calls were received.
- 24 (2) An offense under subdivisions (2), (3) and (4) of subsection 2 may be
25 deemed to have been committed where the device was found, or at the place
26 where the device was transferred or fabricated.
- 27 4. (1) An offense under subsection 1 shall be punished by a fine not to
28 exceed five hundred dollars or by confinement in jail for not more than six
29 months, or both; except that if the telephone charges avoided or attempted to be
30 avoided pursuant to one scheme or course of conduct exceed fifty dollars, the
31 offense shall be punished by a fine of not more than one thousand dollars, or by
32 confinement in jail for not more than one year, or both.
- 33 (2) An offense under subdivisions (1) through (5) of subsection 2 shall
34 be punished by a fine of not more than one thousand dollars, confinement in jail
35 for not more than one year, or both; except that if defendant received
36 consideration from another as a consequence of the use, transfer, or fabrication
37 of the device, the offense shall be punished as provided in subdivision (3) of
38 subsection 4.
- 39 (3) If the defendant has been convicted previously of an offense under
40 this section or of an offense under the laws of another state of the United States
41 which would have been an offense under this section if committed in this state,
42 then the offense shall be punished by a fine of not more than five thousand
43 dollars or by imprisonment by the department of corrections and human resources
44 for not less than two nor more than five years, or both.
- 45 5. A search warrant shall be issued by any court of competent jurisdiction
46 upon a finding of probable cause to believe an instrument or device described in
47 subsections 1 and 2 is housed in a particular structure, vehicle or upon the
48 person.]
49

2 [570.200. As used in this act, unless the context clearly indicates
otherwise, the following terms shall mean:

3 (1) "Library", any public library or any library of an educational,
4 historical or eleemosynary institution, organization or society; any museum; any
5 repository of public or institutional records; or any archive;

6 (2) "Library card", a card or other device utilized by a library for
7 purposes of identifying a person authorized to borrow library material, subject to
8 all limitations and conditions imposed on such borrowing by the library issuing
9 or honoring such card;

10 (3) "Library material", any book, plate, picture, photograph, engraving,
11 painting, sculpture, artifact, drawing, map, newspaper, microform, sound
12 recording, audiovisual material, magnetic or other tape, electronic data processing
13 record or other document, written or printed material, regardless of physical form
14 or characteristic, which is a constituent element of a library's collection or any
15 part thereof, belonging to, on loan to, or otherwise in the custody of a library;

16 (4) "Notice in writing", any notice deposited as certified or registered
17 mail in the United States mail and addressed to the person at his address as it
18 appears on the library card or to his last known address. The notice shall contain
19 a statement that failure to return the library material within ten days of receipt of
20 the notice may subject the user to criminal prosecution;

21 (5) "Premises of a library", a building structure or other enclosure in
22 which a library is located or in which the library keeps, displays and makes
23 available for inspection, borrowing or return of library materials.]
24

[570.210. 1. A person commits the crime of library theft if with the
2 purpose to deprive, such person:

3 (1) Knowingly removes any library material from the premises of a
4 library without authorization; or

5 (2) Borrows or attempts to borrow any library material from a library by
6 use of a library card:

7 (a) Without the consent of the person to whom it was issued; or

8 (b) Knowing that the library card is revoked, canceled or expired; or

9 (c) Knowing that the library card is falsely made, counterfeit or
10 materially altered; or

11 (3) Borrows library material from any library pursuant to an agreement
12 or procedure established by the library which requires the return of such library
13 material and, with the purpose to deprive the library of the library material, fails
14 to return the library material to the library; or

15 (4) Knowingly writes on, injures, defaces, tears, cuts, mutilates, or
16 destroys a book, document, or other library material belonging to, on loan to, or
17 otherwise in the custody of a library.

18 2. It shall be prima facie evidence of the person's purpose to deprive the
19 library of the library materials if, within ten days after notice in writing deposited
20 as certified mail from the library demanding the return of such library material,
21 such person without good cause shown fails to return the library material. A

22 person is presumed to have received the notice required by this subsection if the
23 library mails such notice to the last address provided to the library by such
24 person. Payment to the library, in an amount equal to the fair market value of an
25 item of no historical significance shall be considered returning the item for
26 purposes of this subsection.

27 3. The crime of library theft is a class C misdemeanor if the value of the
28 library materials is less than five hundred dollars. The crime of library theft is a
29 class C felony if the value of the library material is between five hundred dollars
30 and twenty-five thousand dollars. The crime of library theft is a class B felony
31 if the value of the library material is greater than twenty-five thousand dollars.]
32

2 [570.215. Any librarian, his agent or employee, who has reasonable
3 grounds to believe that a person on the premises of the library has committed or
4 is about to commit the crime of library theft, may detain such person in a
5 reasonable manner and for a reasonable length of time for the purpose of
6 investigating whether there has been or may be a wrongful taking of such library
7 material. Any such reasonable detention shall not constitute an unlawful arrest
8 or detention, nor shall it render the librarian, his agent or employee criminally or
9 civilly liable to the person so detained.]

2 [570.226. No person shall, without the consent of the owner, transfer or
3 cause to be transferred to any phonograph record, disc, wire, tape, film,
4 videocassette, or other article or medium now known or later developed on which
5 sounds or images are recorded or otherwise stored, any performance whether live
6 before an audience or transmitted by wire or through the air by radio or
7 television, with the intent to sell or cause to be sold for profit.]

2 [570.230. No person shall advertise, or offer for sale, resale, or sell or
3 resell, or cause to be sold, resold or process for such purposes any article that has
4 been produced in violation of the provisions of section 570.225 or 570.226,
5 knowing, or having reasonable grounds to know, that the sounds thereon have
6 been so transferred without the consent of the owner.]
7

2 [570.235. As used in sections 570.225 to 570.255, the following terms
3 mean:

4 (1) "Audiovisual works", works that consist of a series of related images
5 which are intrinsically intended to be shown by the use of machines, electronic
6 equipment or other devices, now known or later developed, together with
7 accompanying sounds, if any;

8 (2) "Manufacturer", the person who transfers or causes to be transferred
9 any sounds or images to the particular article, medium, recording or other
physical embodiment of such sounds or images then in issue;

10 (3) "Motion pictures", audiovisual works consisting of a series of related
11 images which, when shown in succession, impart an impression of motion,
12 together with accompanying sounds, if any;

13 (4) "Owner", the person who owns the sounds of any performance not yet
14 fixed in a medium of expression, or the original fixation of sounds embodied in
15 the master phonograph record, master disc, master tape, master film, master
16 videocassette, or other device or medium now known or later developed, used for
17 reproducing sounds on phonograph records, discs, tapes, films, videocassettes,
18 or other articles or medium upon which sound is or may be recorded, and from
19 which the transferred recorded sounds are directly or indirectly derived;

20 (5) "Person", any natural person, corporation or other business entity.]
21

2 [570.240. The label, cover, box or jacket on all phonograph records,
3 discs, wires, tapes, films, videocassettes or other articles or medium now known
4 or later developed on which sounds or images are recorded shall contain thereon
5 in clearly readable print the name and address of the manufacturer.]

2 [570.241. No person shall advertise, or offer for rental, sale, resale, or
3 rent, sell, resell, or cause to be sold, resold, or possess for such purposes any
4 article that has been produced in violation of the provisions of section 570.240,
5 knowing, or having reasonable grounds to know, that the article has been
6 produced in violation of the provisions of section 570.240.]

2 [570.245. Sections 570.225 to 570.255 do not apply to:

3 (1) Any radio or television broadcaster who transfers any such sounds as
4 part of or in connection with a radio or television broadcast transmission or for
5 archival preservation;

6 (2) Any person transferring any such sounds at home for his personal use
7 without any compensation being derived by such person or any other person from
8 such transfer;

9 (3) Any cable television company that transfers any such sounds as part
10 of its regular cable television service.]

2 [570.255. 1. Any person guilty of a violation of sections 570.225 to
3 570.255 is punishable as follows:

4 (1) For the first offense of a violation of sections 570.225 to 570.241
5 which is not a felony under subdivision (2) of this subsection, such person is
6 guilty of a misdemeanor, and upon conviction shall be punished by a fine not
7 exceeding five thousand dollars, or by confinement in the county jail not
8 exceeding six months, or by both such fine and confinement.

9 (2) For any offense of a violation of section 570.240 or 570.241
10 involving one hundred or more articles upon which motion pictures or
audiovisual works are recorded, or any other violation of section 570.225 to

570.241 involving one hundred or more articles, such person is guilty of a felony and, upon conviction, shall be punished by a fine not exceeding fifty thousand dollars, or by imprisonment by the department of corrections for not more than five years, or by both such fine and imprisonment.

(3) For the second and subsequent violations of sections 570.225 to 570.255, such person is guilty of a felony and, upon conviction, shall be punished by a fine not exceeding one hundred thousand dollars, or by imprisonment by the department of corrections for not less than two years nor more than five years, or by both such fine and imprisonment.

2. If a person is convicted of any violation of sections 570.225 to 570.255, the court in its judgment of conviction may order the forfeiture and destruction or other disposition of all unlawful recordings and all implements, devices and equipment used or intended to be used in the manufacture of the unlawful recordings. The court may enter an order preserving such recordings and all implements, devices and equipment as evidence for use in other cases or pending in the final determination of an appeal. The provisions of this subsection shall not be construed to allow an order to destroy any such implements, devices, or equipment used or intended to be used in such manufacture subject to any valid lien or rights under any security agreement or title retention contract when the holder thereof is an innocent party.

3. The penalties provided under sections 570.225 to 570.255 are not exclusive and are in addition to any other penalties provided by law.]

[571.017. Nothing contained in any other provision of law, except as provided in subsection 4 of section 571.015, shall prevent imposition of sentences for both armed criminal action and the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon.]

[571.030. 1. A person commits the crime of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or

(2) Sets a spring gun; or

(3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for the assembling of people; or

(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or

(5) Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense;

15 (6) Discharges a firearm within one hundred yards of any occupied
16 schoolhouse, courthouse, or church building; or

17 (7) Discharges or shoots a firearm at a mark, at any object, or at random,
18 on, along or across a public highway or discharges or shoots a firearm into any
19 outbuilding; or

20 (8) Carries a firearm or any other weapon readily capable of lethal use
21 into any church or place where people have assembled for worship, or into any
22 election precinct on any election day, or into any building owned or occupied by
23 any agency of the federal government, state government, or political subdivision
24 thereof; or

25 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined
26 in section 301.010, discharges or shoots a firearm at any person, or at any other
27 motor vehicle, or at any building or habitable structure, unless the person was
28 lawfully acting in self-defense; or

29 (10) Carries a firearm, whether loaded or unloaded, or any other weapon
30 readily capable of lethal use into any school, onto any school bus, or onto the
31 premises of any function or activity sponsored or sanctioned by school officials
32 or the district school board.

33 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not
34 apply to the persons described in this subsection, regardless of whether such uses
35 are reasonably associated with or are necessary to the fulfillment of such person's
36 official duties except as otherwise provided in this subsection. Subdivisions (3),
37 (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any
38 of the following persons, when such uses are reasonably associated with or are
39 necessary to the fulfillment of such person's official duties, except as otherwise
40 provided in this subsection:

41 (1) All state, county and municipal peace officers who have completed
42 the training required by the police officer standards and training commission
43 pursuant to sections 590.030 to 590.050 and who possess the duty and power of
44 arrest for violation of the general criminal laws of the state or for violation of
45 ordinances of counties or municipalities of the state, whether such officers are on
46 or off duty, and whether such officers are within or outside of the law
47 enforcement agency's jurisdiction, or all qualified retired peace officers, as
48 defined in subsection 11 of this section, and who carry the identification defined
49 in subsection 12 of this section, or any person summoned by such officers to
50 assist in making arrests or preserving the peace while actually engaged in
51 assisting such officer;

52 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails
53 and other institutions for the detention of persons accused or convicted of crime;

54 (3) Members of the armed forces or national guard while performing
55 their official duty;

56 (4) Those persons vested by article V, section 1 of the Constitution of
57 Missouri with the judicial power of the state and those persons vested by Article

58 III of the Constitution of the United States with the judicial power of the United
59 States, the members of the federal judiciary;

60 (5) Any person whose bona fide duty is to execute process, civil or
61 criminal;

62 (6) Any federal probation officer or federal flight deck officer as defined
63 under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless
64 of whether such officers are on duty, or within the law enforcement agency's
65 jurisdiction;

66 (7) Any state probation or parole officer, including supervisors and
67 members of the board of probation and parole;

68 (8) Any corporate security advisor meeting the definition and fulfilling
69 the requirements of the regulations established by the board of police
70 commissioners under section 84.340;

71 (9) Any coroner, deputy coroner, medical examiner, or assistant medical
72 examiner;

73 (10) Any prosecuting attorney or assistant prosecuting attorney or any
74 circuit attorney or assistant circuit attorney who has completed the firearms safety
75 training course required under subsection 2 of section 571.111; and

76 (11) Any member of a fire department or fire protection district who is
77 employed on a full-time basis as a fire investigator and who has a valid concealed
78 carry endorsement under section 571.111 when such uses are reasonably
79 associated with or are necessary to the fulfillment of such person's official duties.

80 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do
81 not apply when the actor is transporting such weapons in a nonfunctioning state
82 or in an unloaded state when ammunition is not readily accessible or when such
83 weapons are not readily accessible. Subdivision (1) of subsection 1 of this
84 section does not apply to any person twenty-one years of age or older or eighteen
85 years of age or older and a member of the United States Armed Forces, or
86 honorably discharged from the United States Armed Forces, transporting a
87 concealable firearm in the passenger compartment of a motor vehicle, so long as
88 such concealable firearm is otherwise lawfully possessed, nor when the actor is
89 also in possession of an exposed firearm or projectile weapon for the lawful
90 pursuit of game, or is in his or her dwelling unit or upon premises over which the
91 actor has possession, authority or control, or is traveling in a continuous journey
92 peaceably through this state. Subdivision (10) of subsection 1 of this section
93 does not apply if the firearm is otherwise lawfully possessed by a person while
94 traversing school premises for the purposes of transporting a student to or from
95 school, or possessed by an adult for the purposes of facilitation of a
96 school-sanctioned firearm-related event or club event.

97 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not
98 apply to any person who has a valid concealed carry endorsement issued pursuant
99 to sections 571.101 to 571.121 or a valid permit or endorsement to carry

concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

8. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

9. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

10. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

11. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

12. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.]

[571.072. 1. A person commits the crime of unlawful possession of an explosive weapon if he or she has any explosive weapon in his or her possession and:

(1) He or she has pled guilty to or has been convicted of a dangerous felony, as defined in section 556.061, or of an attempt to commit a dangerous felony, or of a crime under the laws of any state or of the United States which, if

7 committed within this state, would be a dangerous felony, or confined therefor
8 in this state or elsewhere during the five-year period immediately preceding the
9 date of such possession; or

10 (2) He or she is a fugitive from justice, is habitually in an intoxicated or
11 drugged condition, or is currently adjudged mentally incompetent.

12 2. Unlawful possession of an explosive weapon is a class C felony.]
13

[571.080. A person commits the crime of transfer of a concealable
2 firearm if such person violates 18 U.S.C. Section 922(b) or 18 U.S.C. Section
3 922(x).]
4

[571.102. The repeal and reenactment of sections 302.181 and 571.101
2 shall become effective on the date the director of the department of revenue
3 begins to issue nondriver licenses with conceal carry endorsements that expire
4 three years from the dates the certificates of qualification were issued, or on
5 January 1, 2013, whichever occurs first. If the director of revenue begins issuing
6 nondriver licenses with conceal carry endorsements that expire three years from
7 the dates the certificates of qualification were issued under the authority granted
8 under sections 302.181 and 571.101 prior to January 1, 2013, the director of the
9 department of revenue shall notify the revisor of statutes of such fact.]
10

[573.013. In the course of a criminal investigation under this chapter,
2 when the venue of the alleged criminal conduct cannot be readily determined
3 without further investigation, the attorney general may request the prosecuting
4 attorney of Cole County to request a circuit or associate circuit judge of Cole
5 County to issue a subpoena to any witness who may have information for the
6 purpose of oral examination under oath or to require access to data or the
7 production of books, papers, records, or other material of evidentiary nature at the
8 office of the attorney general. If, upon review of the evidence produced pursuant
9 to the subpoenas, it appears that a violation of this chapter may have been
10 committed, the attorney general shall provide the evidence produced pursuant to
11 subpoena to an appropriate county prosecuting attorney or circuit attorney having
12 venue over the criminal offense.]
13

[573.500. As used in sections 573.500 to 573.507, the following terms
2 mean:

3 (1) "Adult cabaret", a nightclub, bar, restaurant, or similar establishment
4 in which persons appear in a state of nudity in the performance of their duties;

5 (2) "Nudity", the showing of either:

6 (a) The human male or female genitals or pubic area with less than a fully
7 opaque covering; or

8 (b) The female breast with less than a fully opaque covering on any part
9 of the nipple.]

[573.528. For purposes of sections 573.525 to 573.537, the following terms shall mean:

(1) "Adult bookstore" or "adult video store", a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A "principal business activity" exists where the commercial establishment:

(a) Has a substantial portion of its displayed merchandise which consists of such items; or

(b) Has a substantial portion of the wholesale value of its displayed merchandise which consists of such items; or

(c) Has a substantial portion of the retail value of its displayed merchandise which consists of such items; or

(d) Derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of such items; or

(e) Maintains a substantial section of its interior business space for the sale or rental of such items; or

(f) Maintains an adult arcade. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas;

(2) "Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude;

(3) "Adult motion picture theater", a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration;

(4) "Characterized by", describing the essential character or dominant theme of an item;

(5) "Employ", "employee", or "employment", describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises;

- 44 (6) "Establish" or "establishment", any of the following:
45 (a) The opening or commencement of any sexually oriented business as
46 a new business;
47 (b) The conversion of an existing business, whether or not a sexually
48 oriented business, to any sexually oriented business; or
49 (c) The addition of any sexually oriented business to any other existing
50 sexually oriented business;
51 (7) "Influential interest", any of the following:
52 (a) The actual power to operate the sexually oriented business or control
53 the operation, management, or policies of the sexually oriented business or legal
54 entity which operates the sexually oriented business;
55 (b) Ownership of a financial interest of thirty percent or more of a
56 business or of any class of voting securities of a business; or
57 (c) Holding an office, such as president, vice president, secretary,
58 treasurer, managing member, or managing director, in a legal entity which
59 operates the sexually oriented business;
60 (8) "Nudity" or "state of nudity", the showing of the human male or
61 female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a
62 fully opaque covering, or the showing of the female breast with less than a fully
63 opaque covering of any part of the nipple or areola;
64 (9) "Operator", any person on the premises of a sexually oriented
65 business who causes the business to function or who puts or keeps in operation
66 the business or who is authorized to manage the business or exercise overall
67 operational control of the business premises. A person may be found to be
68 operating or causing to be operated a sexually oriented business whether or not
69 such person is an owner, part owner, or licensee of the business;
70 (10) "Premises", the real property upon which the sexually oriented
71 business is located, and all appurtenances thereto and buildings thereon,
72 including but not limited to the sexually oriented business, the grounds, private
73 walkways, and parking lots or parking garages or both;
74 (11) "Regularly", the consistent and repeated doing of the act so
75 described;
76 (12) "Semi-nude" or "state of semi-nudity", the showing of the female
77 breast below a horizontal line across the top of the areola and extending across
78 the width of the breast at such point, or the showing of the male or female
79 buttocks. Such definition includes the lower portion of the human female breast,
80 but shall not include any portion of the cleavage of the female breasts exhibited
81 by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the
82 areola is not exposed in whole or in part;
83 (13) "Semi-nude model studio", a place where persons regularly appear
84 in a state of semi-nudity for money or any form of consideration in order to be
85 observed, sketched, drawn, painted, sculptured, photographed, or similarly

86 depicted by other persons. Such definition shall not apply to any place where
87 persons appearing in a state of semi-nudity do so in a modeling class operated:

88 (a) By a college, junior college, or university supported entirely or partly
89 by taxation;

90 (b) By a private college or university which maintains and operates
91 educational programs in which credits are transferable to a college, junior
92 college, or university supported entirely or partly by taxation; or

93 (c) In a structure:

94 a. Which has no sign visible from the exterior of the structure and no
95 other advertising that indicates a semi-nude person is available for viewing; and

96 b. Where, in order to participate in a class, a student must enroll at least
97 three days in advance of the class;

98 (14) "Sexual encounter center", a business or commercial enterprise that,
99 as one of its principal purposes, purports to offer for any form of consideration
100 physical contact in the form of wrestling or tumbling between two or more
101 persons when one or more of the persons is semi-nude;

102 (15) "Sexually oriented business", an adult bookstore or adult video store,
103 an adult cabaret, an adult motion picture theater, a semi-nude model studio, or a
104 sexual encounter center;

105 (16) "Specified anatomical areas":

106 (a) Less than completely and opaquely covered: human genitals, pubic
107 region, buttock, and female breast below a point immediately above the top of the
108 areola; and

109 (b) Human male genitals in a discernibly turgid state, even if completely
110 and opaquely covered;

111 (17) "Specified criminal act", any of the following specified offenses for
112 which less than eight years has elapsed since the date of conviction or the date of
113 release from confinement for the conviction, whichever is later:

114 (a) Rape and sexual assault offenses;

115 (b) Sexual offenses involving minors;

116 (c) Offenses involving prostitution;

117 (d) Obscenity offenses;

118 (e) Offenses involving money laundering;

119 (f) Offenses involving tax evasion;

120 (g) Any attempt, solicitation, or conspiracy to commit one of the offenses
121 listed in paragraphs (a) to (f) of this subdivision; or

122 (h) Any offense committed in another jurisdiction which if committed in
123 this state would have constituted an offense listed in paragraphs (a) to (g) of this
124 subdivision;

125 (18) "Specified sexual activity", any of the following:

126 (a) Intercourse, oral copulation, masturbation, or sodomy; or

127 (b) Excretory functions as a part of or in connection with any of the
128 activities described in paragraph (a) of this subdivision;

(19) "Substantial", at least thirty percent of the item or items so modified;
(20) "Viewing room", the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, video cassette, digital video disc, or other video reproduction.]

[574.030. For the purposes of sections 574.010 and 574.020

(1) "Property of another" means any property in which the actor does not have a possessory interest;

(2) "Private property" means any place which at the time is not open to the public. It includes property which is owned publicly or privately;

(3) "Public place" means any place which at the time is open to the public. It includes property which is owned publicly or privately;

(4) If a building or structure is divided into separately occupied units, such units are separate premises.]

[575.350. 1. A person commits the crime of killing or disabling a police animal when such person knowingly causes the death of a police animal, or knowingly disables a police animal to the extent it is unable to be utilized as a police animal, when that animal is involved in a law enforcement investigation, apprehension, tracking, or search and rescue, or the animal is in the custody of or under the control of a law enforcement officer, department of corrections officer, municipal police department, fire department and a rescue unit or agency.

2. Killing or disabling a police animal is a class D felony.]

[577.026. 1. Chemical tests of the person's breath, blood, saliva, or urine to be considered valid under the provisions of sections 577.020 to 577.041, shall be performed according to methods and devices approved by the state department of health and senior services by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose.

2. The state department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to conduct tests required by sections 577.020 to 577.041, and shall establish standards as to the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the state department of health and senior services.]

[577.065. 1. Whenever any all-terrain vehicle is involved in an accident resulting in loss of life, personal injury or damage to property and the operator thereof has knowledge of such accident, he shall stop and give his name and address, the name and address of the owner thereof and the registration number of the all-terrain vehicle to the injured person or the person sustaining the damage or to a police officer. In case no police officer nor the person sustaining the

7 damage is present at the place where the damage occurred, then the operator shall
8 immediately report the accident, as soon as he is physically able, to the nearest
9 law enforcement agency.

10 2. A law enforcement officer who investigates or receives information
11 of an accident involving an all-terrain vehicle and also involving the loss of life
12 or serious physical injury, as defined in section 556.061, shall make a written
13 report of the investigation or information received, and such additional facts
14 relating to the accident as may come to his knowledge, and mail the information
15 to the department of public safety and keep a record thereof in his office.

16 3. This section does not apply when property damage is sustained in
17 sanctioned all-terrain vehicle races, derbies and rallies.

18 4. Any person leaving the scene of an accident involving an all-terrain
19 vehicle which results in a serious personal injury shall be guilty of a class A
20 misdemeanor, except that it shall be a class D felony if the accident resulted in
21 death of another party or if defendant has previously pled guilty or been found
22 guilty of a violation of this section.]
23

2 [577.071. The prosecutor of any county and the circuit attorney of any
3 city not within a county shall investigate reports of violations of sections 260.211
4 and 260.212 and may, by information or indictment, institute a prosecution for
5 any violation of sections 260.211 and 260.212.]

2 [577.090. Any law enforcement officer shall and any agent of the
3 conservation commission or deputy or member of the highway patrol, water
4 patrol division, may enforce the provisions of sections 577.070 and 577.080 and
5 arrest violators thereof; except that conservation agents may enforce such
6 provisions only upon the water, the banks thereof or upon public land.]

2 [577.105. 1. "Party line", as used in this section, means a subscriber's
3 line telephone circuit, consisting of two or more main telephone stations
4 connected therewith, each station with a distinctive ring or telephone number.
5 "Emergency", as used in this section, means a situation in which property or
6 human life are in jeopardy and the prompt summoning of aid is essential.

7 2. Any person who willfully refuses to immediately relinquish a party
8 line when informed that the line is needed for an emergency call to a fire
9 department or law enforcement official or for medical aid or ambulance service,
10 or any person who secures the use of a party line by falsely stating that the line
11 is needed for an emergency call, is guilty of a misdemeanor.

12 3. Every telephone directory hereafter distributed to the members of the
13 general public in this state or in any portion thereof which lists the calling
14 numbers of telephones of any telephone exchange located in this state shall
15 contain a notice which explains the offense provided for in this section, the notice
to be preceded by the word "warning"; provided, that the provisions of this

16 section shall not apply to those directories distributed solely for business
17 advertising purposes, commonly known as classified directories, nor to any
18 telephone directory heretofore distributed to the general public. Any person, firm
19 or corporation providing telephone service which distributes or causes to be
20 distributed in the state copies of a telephone directory which is subject to the
21 provisions of this section and which do not contain the notice herein provided for
22 is guilty of a misdemeanor.]
23

2 [577.110. No person under the age of sixteen years shall operate a motor
3 vehicle on the highways of this state. Any person who violates this section, upon
4 conviction thereof, shall be punished by a fine of not less than five dollars nor
5 more than five hundred dollars.]

2 [577.160. 1. As used in sections 577.160 and 577.161, the following
3 words mean:

4 (1) "Swimming pool", any artificial basin of water which is modified,
5 improved, constructed or installed for the purpose of public swimming, and
6 includes: pools for community use, pools at apartments, condominiums, and
7 other groups of associations having five or more living units, clubs, churches,
8 camps, schools, institutions, Y.M.C.A. and Y.W.C.A. parks, recreational areas,
9 motels, hotels and other commercial establishments. It does not include pools at
10 private residences intended only for the use of the owner or guests;

11 (2) "Person", any individual, group of individuals, association, trust,
12 partnership, corporation, person doing business under an assumed name, county,
13 municipality, the state of Missouri, or any political subdivision or department
14 thereof, or any other entity;

15 (3) "Life jacket", a life jacket, life vest or any other flotation device
16 designed to be worn about the body to assist in maintaining buoyancy in water.]

2 [577.201. As used in this section and section 577.203, "flight crew
3 member" shall include the pilot in command, copilots, flight engineers and flight
4 navigators.]

2 [577.206. 1. Any person who operates, or acts as a flight crew member
3 of, any aircraft in this state is deemed to have given his or her consent to
4 chemical testing of his or her blood, breath, or urine for the purpose of
5 determining the alcohol or drug content of the blood. The consent shall be
6 deemed only if the person is detained for any offense allegedly committed in
7 violation of sections 577.201 and 577.203 or if any officer requests chemical
8 testing as part of an investigation of a suspected violation of state or local law.
9 The test shall be administered at the direction of the law enforcement officer.

10 2. The implied consent to submit to the chemical tests shall be limited to
not more than two such tests arising from the same incident.]

2 [577.208. 1. Chemical tests of the person's breath, blood, or urine to be
3 considered valid shall be performed according to methods and devices approved
4 by the state department of health and senior services and shall be performed by
5 licensed medical personnel or by a person possessing a valid permit issued by the
6 state department of health and senior services for this purpose. A blood test shall
7 not be performed if the medical personnel, in good faith medical judgment,
8 believe such procedure would endanger the health of the person in custody.

9 2. Upon request of the person tested, full information concerning the test
10 shall be made available to him.

11 3. No person administering a chemical test under this section and
12 sections 577.206, 577.211 and 577.214, or any other person, firm or corporation
13 with whom he is associated, shall be civilly liable for damages to the person
14 tested except for negligence or by willful or wanton act or omission.]

2 [577.211. Any person who is dead, unconscious, or otherwise incapable
3 of refusing to take a test shall be deemed to not have withdrawn the consent, and
4 the chemical test may be administered.]

2 [577.214. The provisions of section 491.060 shall not prevent the
3 admissibility of evidence of any chemical analysis performed under this section
4 and sections 577.206, 577.208 and 577.211. In any criminal prosecution for the
5 violation of sections 577.201 and 577.203, the results of any properly performed
6 chemical test of the defendant's blood, breath or urine shall be admissible as
7 evidence.]

2 [578.105. If any county of the first class having a charter form of
3 government containing the major portion of a city of over four hundred fifty
4 thousand inhabitants exempts itself from the application of section 578.100 by
5 a vote of the voters of the county pursuant to provisions of law permitting such
6 vote, then a county in the following classification may also exempt itself from the
7 application of section 578.100: Any county of the second class as of 1977 that
8 is adjacent to any county containing a portion of a city with a population of more
9 than four hundred thousand inhabitants in the 1970 census. The county may
10 exempt itself from the provisions of section 578.100 by submission of the
11 proposition to the voters of the county at a general election or a primary election,
12 and the proposition receiving a majority of the votes cast therein. The proposal
13 to exempt the county from the provisions of section 578.100 shall be submitted
14 to the voters of the county upon a majority vote of the governing body of the
15 county or when a petition requesting the submission of the proposal to the voters
16 and signed by a number of qualified voters residing in the county equal to eight
17 percent of the votes cast in the county in the next preceding gubernatorial election
is filed with the governing body of the county. The ballot of submission shall

18 contain, but not be limited to, the following language: To exempt County
19 from the Sunday sales law.

20 ☐ YES

☐ NO

21 If a majority of the votes cast on the proposal by the qualified voters voting thereon in
22 the county are in favor of the proposal, then the provisions of section 578.100 shall no
23 longer apply within that county. If a majority of the votes cast on the proposal by the
24 qualified voters voting thereon in the county are opposed to the proposal, then the
25 provisions of section 578.100 shall continue to apply and be enforced within that county.
26 The exemption of any county from the provisions of section 578.100 shall not become
27 effective in that county until the results of the vote exempting the county have been filed
28 with the secretary of state and with the revisor of statutes and have been certified as
29 received by those officers. The revisor of statutes shall note which counties are exempt
30 from the provisions of section 578.100 in the Missouri revised statutes.]
31

2 [578.106. 1. The governing body of any city not within a county may, by
3 ordinance, exempt areas of the city located within two thousand five hundred
4 yards of a convention center owned by the city or within two thousand five
5 hundred yards of a municipal auditorium owned by the city, or either of such
6 areas, or parts of either or both of such areas, from the application of section
7 578.100. The ordinance of exemption shall specifically define the area or areas
8 to be exempted and upon passage of such ordinance and filing with the secretary
9 of state and the revisor of statutes, the provisions of section 578.100 shall no
10 longer apply within the designated area or areas of the city but shall continue to
11 apply and be enforced in all parts of the city not included within the designated
12 area or areas. However, the sale of automobiles shall not be permitted within the
13 exempted area or areas. The governing body of any city adopting an ordinance
14 pursuant to this section shall file a copy of such ordinance with the secretary of
15 state and with the revisor of statutes and such officer shall certify the receipt of
16 the ordinance. The revisor of statutes shall note in the Missouri revised statutes
17 that an area or areas of the named city are exempt from the provisions of section
18 578.100.

19 2. Following the effective date of any exemption adopted pursuant to
20 subsection 1 of this section, no person who leases any structure, or portion
21 thereof, within the area to which such exemption applies to any person engaged
22 in selling merchandise at retail, may include in the lease, contract, or other
23 document governing such lease any provision which would, directly or indirectly,
24 require the lessee to open his business to the general public on Sundays.

25 3. Following the effective date of any exemption adopted pursuant to
26 subsection 1 of this section, no lease, contract, or other document governing the
27 lease of any structure, or portion thereof, to any person engaged in selling
28 merchandise at retail, which was in effect prior to the date of such exemption
shall be interpreted to require the lessee to open his business to the general public

29 on Sundays if the lessee was not required to open his business to the general
30 public at the time he signed such lease, contract, or other document.

31 4. If any portion of this section is found by a court of competent
32 jurisdiction to be unconstitutional, all remaining portions of this section shall
33 remain valid unless the court finds that the valid provisions of this section are so
34 essentially and inseparably connected with the invalid provision that they cannot
35 stand alone.]
36

2 [578.110. 1. As used in this section, the term "area" includes all cities
3 not within a county, all first class counties having a charter form of government
4 and adjoining such cities not within a county and all first class counties which
5 adjoin such first class counties having a charter form of government and
6 adjoining cities not within a county; and the term "county" means any county of
7 this state not within an area.

8 2. In addition to the counties which may exempt themselves from the
9 application of section 578.100, under the provisions of section 578.100 or section
10 578.105, any other county or area may also exempt itself from the application of
11 section 578.100 by a vote of the qualified voters of the county or area; provided
12 that, before any area may so exempt itself from the provisions of section 578.100,
13 the qualified voters of each city not within a county and each county within such
14 area shall vote on the proposal for exemption from the provisions of section
15 578.100 at the same election and a majority of the total votes cast in such area
16 shall be in favor of the proposal before either such city or any of such counties
17 may be exempted from the provisions of section 578.100.

18 3. In order to exempt itself from the provisions of section 578.100, the
19 county or area shall submit the proposition to the voters of the county or area at
20 any election, and the proposition shall receive a majority of the votes cast. The
21 proposition to exempt the county from the provisions of section 578.100 shall be
22 submitted to the voters of the county upon a majority vote of the governing body
23 of the county or when a petition requesting the submission of the proposition to
24 the voters and signed by a number of registered voters residing in the county
25 equal to eight percent of the votes cast in the county in the next preceding
26 gubernatorial election is filed with the governing body of the county. When a
27 petition signed by a number of registered voters residing in the area equal to eight
28 percent of the votes cast in the area in the next preceding gubernatorial election
29 requesting the submission of a proposition to exempt the area from the provisions
30 of section 578.100 is filed with each of the governing bodies of the area, the
31 proposition shall be submitted to the voters of the area. The ballot of submission
32 shall contain, but need not be limited to, the following language:

32 To exempt County (or the area consisting
33 of city and
34 counties) from the Sunday sales law.

35 ☐ YES

☐ NO

36 If a majority of the votes cast on the proposal by the registered voters voting thereon in
37 the county or area are in favor of the proposal, then the provisions of section 578.100
38 shall no longer apply within that county or area. If a majority of the votes cast on the
39 proposal by the registered voters voting thereon in the county or area are opposed to the
40 proposal, then the provisions of section 578.100 shall continue to apply and be enforced
41 within that county or area. The exemption of the county or area from the provisions of
42 section 578.100 shall not become effective in that county or area until the results of the
43 vote exempting the county or area have been filed with the secretary of state and with the
44 revisor of statutes and have been certified as received by those officers. The revisor of
45 statutes shall note which counties or areas are exempt from the provisions of section
46 578.100 in the Missouri revised statutes.]
47

2 [578.120. 1. Notwithstanding any provision in this chapter to the
3 contrary, no dealer, distributor or manufacturer licensed under section 301.559
4 may keep open, operate, or assist in keeping open or operating any established
5 place of business for the purpose of buying, selling, bartering or exchanging, or
6 offering for sale, barter or exchange, any motor vehicle, whether new or used, on
7 Sunday. However, this section does not apply to the sale of manufactured
8 housing; the sale of recreational motor vehicles; washing, towing, wrecking or
9 repairing operations; the sale of petroleum products, tires, and repair parts and
10 accessories; or new vehicle shows or displays participated in by five or more
11 franchised dealers or in towns or cities with five or fewer dealers, a majority.

12 2. No association consisting of motor vehicle dealers, distributors or
13 manufacturers licensed under section 301.559 shall be in violation of antitrust or
14 restraint of trade statutes under chapter 416 or regulation promulgated thereunder
15 solely because it encourages its members not to open or operate on Sunday a
16 place of business for the purpose of buying, selling, bartering or exchanging any
17 motor vehicle.

18 3. Any person who violates the provisions of this section shall be guilty
19 of a class C misdemeanor.]

2 [578.200. Sections 578.200 to 578.225 shall be known and may be cited
3 as the "Cave Resources Act".]

2 [578.205. When used in sections 578.200 to 578.225, the following
3 words and phrases shall have the meanings ascribed to them in this section unless
4 the context clearly requires otherwise:

5 (1) "Cave or cavern", any naturally occurring subterranean cavity
6 enterable by man including, without limitation, a pit, pothole, natural well, grotto
7 and tunnel, whether or not the opening has a natural entrance;

8 (2) "Cave system", the caves in a given area related to each other
hydrologically, whether continuous or discontinuous from a single opening;

9 (3) "Show cave", any cave or cavern wherein trails have been created and
10 some type of lighting provided by the owner or operator for purpose of exhibition
11 to the general public as a profit or nonprofit enterprise, wherein a fee is generally
12 collected for entry;

13 (4) "Sinkhole", a hollow place or depression in the ground in which
14 drainage may collect with an opening therefrom into an underground channel or
15 cave including any subsurface opening that might be bridged by a formation of
16 silt, gravel, humus or any other material through which percolation into the
17 channel or cave may occur.]
18

2 [578.220. Sections 578.200 to 578.225 shall not apply to vertical or
3 horizontal underground mining operations.]

2 [578.225. Any person who violates any provision of sections 578.200 to
3 578.225 is guilty of a class A misdemeanor.]

2 [578.353. Any person licensed under chapter 334 or 335 who, in good
3 faith, makes a report pursuant to section 578.350 shall have immunity from civil
4 liability that otherwise might result from such report and shall have the same
5 immunity with respect to any good faith participation in any judicial proceeding
6 in which the reported gunshot wound is an issue. Notwithstanding the provisions
7 of subdivision (5) of section 491.060, the existence of a physician-patient
8 relationship shall not prevent a physician from submitting the report required in
9 section 578.350, or testifying regarding information acquired from a patient
10 treated for a gunshot wound if such testimony is otherwise admissible.]

2 [578.360. As used in sections 578.360 to 578.365, unless the context
3 clearly requires otherwise, the following terms mean:

3 (1) "Educational institution", a public or private college or university;

4 (2) "Hazing", a willful act, occurring on or off the campus of an
5 educational institution, directed against a student or a prospective member of an
6 organization operating under the sanction of an educational institution, that
7 recklessly endangers the mental or physical health or safety of a student or
8 prospective member for the purpose of initiation or admission into or continued
9 membership in any such organization to the extent that such person is knowingly
10 placed at probable risk of the loss of life or probable bodily or psychological
11 harm. Acts of hazing shall include:

12 (a) Any activity which recklessly endangers the physical health or safety
13 of the student or prospective member, including but not limited to physical
14 brutality, whipping, beating, branding, exposure to the elements, forced
15 consumption of any food, liquor, drug or other substance or forced smoking or
16 chewing of tobacco products; or

17 (b) Any activity which recklessly endangers the mental health of the
18 student or prospective member, including but not limited to sleep deprivation,
19 physical confinement, or other extreme stress-inducing activity; or

20 (c) Any activity that requires the student or prospective member to
21 perform a duty or task which involves a violation of the criminal laws of this
22 state or any political subdivision in this state.]
23

2 [578.363. Each educational institution in this state shall adopt a written
3 policy prohibiting hazing by any organization operating under the sanction of the
4 institution.]

2 [578.375. As used in sections 578.375 to 578.389, the following terms
mean:

3 (1) "Authorization to participate" or "ATP card", a document which is
4 issued by a state or federal agency to a certified household to show the food
5 stamp allotment the household is authorized to receive on presentation of the
6 document;

7 (2) "Department", the Missouri department of social services or any of
8 its divisions;

9 (3) "Employment information", the following facts if reasonably
10 available: complete name, beginning and ending dates of employment during the
11 most recent five years, amount of money earned in any month or months during
12 the most recent five years, last known address, date of birth, and Social Security
13 account number;

14 (4) "Food stamp coupons" or "food stamp", any coupon, stamp or other
15 type of document used or intended for use in the purchase of food pursuant to the
16 Missouri food stamp program;

17 (5) "Public assistance", anything of value, including money, food, ATP
18 cards, food stamp coupons, commodities, clothing, utilities, utilities payments,
19 shelter, drugs and medicine, materials, goods, and any service including
20 institutional care, medical care, dental care, child care, psychiatric and
21 psychological service, rehabilitation instruction, training, or counseling, received
22 by or paid on behalf of any person under chapters 198, 205, 207, 208, 209, and
23 660, or benefits, programs, and services provided or administered by the Missouri
24 department of social services or any of its divisions.]
25

2 [578.389. 1. Every person who has been previously convicted of two
3 violations in section 578.377, 578.379, 578.381, 578.383, 578.385, 578.387, or
4 578.389 or any two of them shall, upon a subsequent conviction of any of these
5 offenses, be guilty of a class C felony and shall be punished accordingly.

6 2. Evidence of prior convictions shall be heard by the court, out of the
7 hearing of the jury, prior to the submission of the case to the jury, and the court
shall determine the existence of the prior convictions.]

[578.409. 1. Any person who violates section 578.407:

(1) Shall be guilty of a misdemeanor for each such violation unless the loss, theft, or damage to the animal facility exceeds three hundred dollars in value;

(2) Shall be guilty of a class D felony if the loss, theft, or damage to the animal facility property exceeds three hundred dollars in value but does not exceed ten thousand dollars in value;

(3) Shall be guilty of a class C felony if the loss, theft, or damage to the animal facility property exceeds ten thousand dollars in value but does not exceed one hundred thousand dollars in value;

(4) Shall be guilty of a class B felony if the loss, theft, or damage to the animal facility exceeds one hundred thousand dollars in value.

2. Any person who intentionally agrees with another person to violate section 578.407 and commits an act in furtherance of such violation shall be guilty of the same class of violation as provided in subsection 1 of this section.

3. In the determination of the value of the loss, theft, or damage to an animal facility, the court shall conduct a hearing to determine the reasonable cost of replacement of materials, data, equipment, animals, and records that were damaged, destroyed, lost, or cannot be returned, as well as the reasonable cost of lost production funds and repeating experimentation that may have been disrupted or invalidated as a result of the violation of section 578.407.

4. Any persons found guilty of a violation of section 578.407 shall be ordered by the court to make restitution, jointly and severally, to the owner, operator, or both, of the animal facility, in the full amount of the reasonable cost as determined under subsection 3 of this section.

5. Any person who has been damaged by a violation of section 578.407 may recover all actual and consequential damages, punitive damages, and court costs, including reasonable attorneys' fees, from the person causing such damage.

6. Nothing in sections 578.405 to 578.412 shall preclude any animal facility injured in its business or property by a violation of section 578.407 from seeking appropriate relief under any other provision of law or remedy including the issuance of an injunction against any person who violates section 578.407. The owner or operator of the animal facility may petition the court to permanently enjoin such persons from violating sections 578.405 to 578.412 and the court shall provide such relief.]

[578.412. 1. The director shall have the authority to investigate any alleged violation of sections 578.405 to 578.412, along with any other law enforcement agency, and may take any action within the director's authority necessary for the enforcement of sections 578.405 to 578.412. The attorney general, the highway patrol, and other law enforcement officials shall provide assistance required in the conduct of an investigation.

7 2. The director may promulgate rules and regulations necessary for the
8 enforcement of sections 578.405 to 578.412. No rule or portion of a rule
9 promulgated under the authority of sections 578.405 to 578.412 shall become
10 effective unless it has been promulgated pursuant to the provisions of section
11 536.024.]
12

2 [578.414. Sections 578.414 to 578.420 shall be known and may be cited
3 as "The Crop Protection Act". As used in sections 578.414 to 578.420, the term
4 "director" shall mean the director of the department of agriculture.]

2 [578.418. 1. Any person who violates section 578.416:
3 (1) Shall be guilty of a misdemeanor for each such violation unless the
4 loss or damage to the crop exceeds five hundred dollars in value;
5 (2) Shall be guilty of a class D felony if the loss or damage to the crop
6 exceeds five hundred dollars in value but does not exceed one thousand dollars
7 in value;
8 (3) Shall be guilty of a class C felony if the loss or damage to the crop
9 exceeds one thousand dollars in value but does not exceed one hundred thousand
10 dollars in value;
11 (4) Shall be guilty of a class B felony if the loss or damage to the crop
12 exceeds one hundred thousand dollars in value.
13 2. Any person who has been damaged by a violation of section 578.416
14 may have a civil cause of action pursuant to section 537.353.
15 3. Nothing in sections 578.414 to 578.420 shall preclude any owner or
16 operator injured in his or her business or property by a violation of section
17 578.416 from seeking appropriate relief under any other provision of law or
18 remedy including the issuance of an injunction against any person who violates
19 section 578.416. The owner or operator of the business may petition the court to
20 permanently enjoin such persons from violating sections 578.414 to 578.420 and
21 the court shall provide such relief.]

2 [578.420. 1. The director shall have the authority to investigate any
3 alleged violation of sections 578.414 to 578.420, along with any other law
4 enforcement agency, and may take any action within the director's authority
5 necessary for the enforcement of sections 578.414 to 578.420. The attorney
6 general, the highway patrol, and other law enforcement officials shall provide
7 assistance required in the conduct of an investigation.

8 2. The director may promulgate rules and regulations necessary for the
9 enforcement of sections 578.414 to 578.420. Any rule or portion of a rule, as that
10 term is defined in section 536.010, that is created under the authority delegated
11 in sections 578.414 to 578.420 shall become effective only if it complies with
12 and is subject to all of the provisions of chapter 536 and, if applicable, section
536.028. Sections 578.414 to 578.420 and chapter 536 are nonseverable and if

13 any of the powers vested with the general assembly pursuant to chapter 536 to
14 review, to delay the effective date or to disapprove and annul a rule are
15 subsequently held unconstitutional, then the grant of rulemaking authority and
16 any rule proposed or adopted after August 28, 2001, shall be invalid and void.]
17

2 [578.433. It is unlawful for a person to keep or maintain such a public
3 nuisance. In addition to any other criminal prosecutions, the prosecuting attorney
4 or circuit attorney may by information or indictment charge the owner or the
5 occupant, or both the owner and the occupant, of the room, building, structure,
6 or inhabitable structure with the crime of keeping or maintaining a public
7 nuisance. Keeping or maintaining a public nuisance is a class C felony.]

2 [578.530. It shall be an affirmative defense to prosecution for a violation
3 of sections 578.520 and 578.525 that the premises were at the time open to
4 members of the public and the person complied with all lawful conditions
5 imposed concerning access to or the privilege of remaining on the premises.]

2 Section B. The repeal and reenactment of the first appearance of section 302.060 shall
become effective October 1, 2013.

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